

UNIVERSITY OF MADRAS

SOME ASPECTS OF

ANCIENT INDIAN POLITY

Sir SUBRAHMANYA AIYAR LECTURE, 1914

SECOND EDITION

CONSIDERATIONS ON

SOME ASPECTS OF

ANCIENT INDIAN POLITY

Sir SUBRAHMANYA AIYAR LECTURE, 1914

BY

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UNIVERSITY OF MADRAS

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TO THE FOUNDER

PREFACE.

The accompanying lectures were first published in 1916. When the edition was exhausted, the Syndicate of the University of Madras desired, in 1920, the preparation of a new edition. Interest in ancient Indian polity had meanwhile become widespread, vivid and sustained. Important additions to the literature of the subject were being made every year. The views formed and expressed, in the lectures, had to be reconsidered in the light of the steadily increasing mass of new material. For this task, sufficient leisure was wanting till a few months ago. In 1933, when I obtained the time, and the Syndicate reaffirmed its old decision, the re-examination of the views formed and expressed twenty years ago was undertaken and the present edition is the result.

A comparison of the two editions will show that the text of the lectures remains unaltered but for an occasional verbal change. The scrutiny of the new material which has been accumulating since the first publication has not disclosed justification to modify or abandon the views and opinions then expressed. The facts and arguments adduced since 1916 to support or challenge old conclusions are now noticed in the footnotes and the appendices.

The lectures represent the first of a group of three studies in which, during a course of years, I have made an attempt to interpret the material

contained in the sociological literature of ancient India. The present work is concerned primarily with the political implications. I had the opportunity to examine the economic ideas of ancient Indian thinkers in lectures given in 1927 before the Benares Hindu University. They were published in 1934 with the title "Aspects of Ancient Indian Economic Thought". The consideration of other implications of our old literature was undertaken in the Special Readership Lectures, which I gave in March 1934, at Calcutta, under the auspices of the University. When they are published, the three studies will be seen to be complementary.

A few differences between the old and the new edition may be indicated. In the first edition, the explanations and references, with which the formal observations of the lectures were followed up during the delivery, were subsequently recast and presented as Notes in an appendix. Most of these old notes have now been condensed, brought up-to-date and presented as footnotes. A few notes which have served their purpose have been omitted. Ten long notes have been relegated to the *Appendix*. Differences in views on ancient Indian polity are chiefly due to varying interpretation of ancient texts. As these texts are not readily accessible, they have been cited in full wherever necessary. Marginal headings have been provided. Diacritical marks have been used, and the standard scheme of transliteration adopted. The index has been made fuller and a bibliography has been added.

The form *Kauṭilya* is retained though the present fashion is to use *Kauṭalya.* A change in the spelling of a historical name, sanctioned by centuries of usage, requires very strong grounds before it can be recommended for general acceptance. I am by no means satisfied that such grounds can be adduced in support of the new form.

In the preparation of this edition, and especially in recasting the notes and in seeing the work through the Press, I have received much help which has to be gratefully acknowledged. My obligations are particularly heavy to Mr. V. R. Ramachandra Dikshitar, M.A., Lecturer in Indian History in the University of Madras, who has himself made important contributions to ancient Indian polity, and to my son and former pupil Mr. K. R. Padmanabha Aiyangar, M.A., B.L., of the Indian Audit and Accounts Service. Another former pupil, Mr. A. N. Krishnan, M.A., sometime Lecturer in History and Economics in the American College at Madura, has given valuable assistance in the correction of proofs, the preparation of the index and bibliography, and in the verification of references. The Sanskrit quotations were checked by Mahopādhyāya, Mimāṃsa Śiromaṇi, S. Śankararāma Śāstri.

RĀGHAVA VILĀSA,
TRIVANDRUM,
16*th February* 1935.

K. V. RANGASWAMI

I

THIS is not the first occasion on which it has been given to me to speak in this hall of many and hallowed memories, dear to me for over twenty years, since I entered it as a student in search of admission to a University course. It is, however, the first time when I have the pleasure of doing so in the character of the first lecturer of the University on a foundation which owes its being to the enlightened munificence and burning zeal for the advancement of Indian history, science and culture, which characterized the eminent Indian, now no more, whose glorious career, so full of dazzling promise and of brilliant and many-sided achievement, was over, even before the first of what he would assuredly have deemed his series of further benefactions to his University had time to materialize and to take shape. The lectureship[1] founded by the late Mr. V. Krishnaswami Aiyar has been further honoured by being named after one of the most widely revered Indians of the past half-century, the Nestor of our graduates, happily still spared to us, in honouring whom, every one, from the highest in the land, may feel that he is only honouring himself.

The foundation.

1 On November 23, 1911, in the course of his Address to the graduates assembled in the Convocation, the Hon'ble Mr. V. Krishnaswami Aiyar offered the University an endowment for founding an annual Lectureship in the honoured name of Dr. Sir S. Subrahmanya Aiyar. This was accepted by the Senate on March 1, 1912. The lectures now printed were the first to be given under the Foundation. They were delivered at the Hall of Pachaiyappa's College on March 18 and 19, 1914.

Those alone who can do so from such personal knowledge as has not been mine, can speak of the rare traits, accomplishments and achievements which have won, for these two, such extraordinary and universal appreciation in the country. I have ventured, in all humility, to recall their connection with the lectureship to which it has been my good fortune to be appointed, to show that though, in a sense perhaps, an initial lecturer on the foundation may luckily be exempt from the otherwise inevitable comparison with distinguished predecessors, yet he must feel overwhelmed by the high ideals of scholarship and culture, conjured up by the thought of the eminent men with whose name the lectureship is associated. The feeling that I am the first speaker under this endowment gives me also an increased sense of responsibility, since there is no one in whose steps I may claim to tread or whose record I can attempt to reach.

Choice of the Subject.

This is my excuse for attempting a *survey* of the vast field of the literature and subject-matter of Ancient Indian Polity, the subject chosen by me—from amongst the topics which the wide range of Ancient Indian History and Archaeology affords—for its natural attraction, as well as for its fitness to be associated with the names of two such publicists and servants of the state as Sir Subrahmanya Aiyar and Mr. Krishnaswami Aiyar. My remarks will accordingly be restricted to certain topics and *aspects* of my wide theme, which as a student and as a teacher I have felt the need for stressing at the present day. I would be content to leave it to other and better equipped students of Indian history to earn the

recognition that would come of treating in its entirety, with becoming thoroughness said skill, a subject of such range and difficulty.

The consideration of the present condition and prospects of my subject has recalled to my mind certain suggestive passages, written in 1888, in which one of the foremost institutional historians described the position and possibilities of the historical study of English law.[2] It has brought into relief the resemblance and the difference between the condition described by him, and those which appear to me to govern the destinies of my subject. In India to-day, as in England when Maitland wrote, the historical conscience is awake to the need for dealing with institutions equally with men and events. Students of history readily accept *in the abstract* such propositions as that law and politics are important elements of individual and national life, and that their systematic study is the duty of the historian who desires to understand his society aright. But, while in England, this change in the historian's attitude induced the *historical* study of English law, resulting some years later in the production of Maitland's own illustrious work, in India, we are yet far from such an achievement. Issues are being obscured and findings vitiated by the tendency to treat history as the ally of dogma, and to look into the armoury of our ancient polity for weapons to be used in the arena of modern political

2 *See* the "Collected Essays of F. W. Maitland" (ed. H. A. L. Fisher, 3 vols., 1911), vol. I pages 480—497 and vol. II pages 1—60, as well as his monumental "History of English Law before the time of Edward I", 2 vols., 1895, written in collaboration with Sir Frederick Pollock.

Obstacles to the proper study of Ancient Indian Polity.

controversies.[3] While, as supplying a powerful motive for continuing with enthusiasm those studies, it was a fortunate coincidence that the renaissance of Indian historical studies should have come along with a resurgent national feeling, in another aspect this conjunction has proved less auspicious. The temptation has often proved irresistible for our students to fix their eyes exclusively on the attractive or inspiring epochs of our past, to write with purpose and with prejudice, and to neglect the study of the *whole* development of the people in the attempt to study only chosen parts of it. The result is that one may not inaptly apply to much of the historical work in India at the present day the amusing complaint made by Macaulay—amusing because *he* made it: 'In our country', said he, 'the dearest interests of parties have been staked on the researches of antiquaries. The inevitable consequence was that our antiquaries conducted their researches in the spirit of partisans.'

Political Bias.

Political bias is not the only impediment to the scientific study of ancient polities. Propositions of a controvertible kind, which have long exercised a baneful sway over the minds of students of Indian history, partly by the strength of long-standing prescription, and even more on account of the weight of 'high authority' behind them, have proved equally obstructive. First among these is the assumption that in India political conditions have *ever* been uniform and homogeneous.

Trite generalisations.

3 For samples of such statements, see *Madras Christian College Magazine*, 1894, pages 94 and 99, as well as *Modern Review*, II., 1909, pages 38 and 350, and *Ibid* III, 1910, pages 333 and 339.

Next comes the old belief in the unchanging character of the East—China and Japan alone *recently* excepted—to which even so subtle a thinker as Mr. Balfour has professed adherence. Then we have the allied opinion that, excepting perhaps for some forms of poetry, almost the only talent of India was for metaphysical speculation, and that the characteristic of India in the realm of practical life has been an invulnerable quietism. This opinion has now risen to the rank of a tenet of historical orthodoxy. Among other impediments of a general nature may be counted: first, the habit of lumping together *all* forms of Government in the East under the head of 'Oriental Despotism'; second, the tendency to deny the conception of progress to the East, and lastly the complacent disposition to regard the existing stock of political knowledge as almost complete and as unlikely to benefit by the study of the political institutions of the early East.[4]

4 For Balfour's opinion of oriental stagnation, compare the following passage from his '*Decadence*' (Sidgwick Memorial Lecture, Cambridge, 1908), pp. 34—39. "If decadence be unknown, is not progress exceptional? Consider the changing politics of the unchanging East. Is it not true that there, while wars and revolutions, dynastic and religious, have shattered ancient states and brought new ones into being, every community, as soon as it has risen above the tribal and nomad condition, adopts with the rarest exceptions a form of Government which, from its very generality in eastern lands, we habitually call an Oriental Despotism? We may crystallize and re-crystallize a soluble salt as often as we please, the new crystals will always resemble the old ones. The crystals, indeed, may be of different sizes, their component molecules may occupy different positions within the crystalline structure, but the structure itself will be of one immutable pattern. So it is, or seems to be, with these oriental states. . . . No differences of race, of creed or of language seem sufficient to vary the violent monotony of their internal history."

Favourable conditions.

These would seem serious obstacles to the growth of an adequate perception of our ancient polity. There is, however, no need for speaking in a hopeless tone. An impediment that is discovered is half overcome. A critical examination of the assumptions, which have just been alluded to, should give an added impetus to the study. So much has been written on the subject, especially in recent years, and so much has also been done in the way of collecting data, that, in respect of material for study, there is now, to vary Lord Acton's expression, less danger of a drought than of a deluge.

Nationalism and historical writing.

It would be equally ungracious to omit to acknowledge the activity of so many scholars in this direction, and unjust to condemn every contribution that has been made to the subject as crude or prejudiced. *Ours* is

Balfour adds a note to say that he does not include in the 'East' China and Japan, and that his observations have no reference to the Jews or to the commercial aristocracies of Phoenician origin.

See also Vincent Smith's observations on the effects of Alexander's invasion (*Early History of India*, third edition, 1914, pp. 112—3) :—'India remained unchanged. . . . She continued to live her life of "splendid isolation." The paradox of Niese that the whole subsequent development of India was dependent upon Alexander's institutions is not, I think, true in any sense. . . The often-quoted lines of Matthew Arnold (*Obermann*) are much more to the point:—

"The East bowed low before the blast
In patient, deep disdain ;
She let the legions thunder past,
And plunged in thought again."

The powerful influence of Sir Henry Maine popularised a view of oriental governments summarized and explained by T. H. Green (*Lectures on the Principles of Political Obligation*, pp. 99—101) in a classical passage.

Compare for instance the observations of Maine, on pp. 27—8 of *Ancient Law* (ed. Pollock, 1906).

not the only country in which national aspirations and historical work have been so closely associated, or historical themes studied as the means to specific political ends. The history of historical writing during the last hundred years in Europe and in America should make us anticipate that as in the West so in India the further growth of the scientific spirit and the widening of the area of historical studies and interests will bring, in their train, a state of affairs in which the national feeling will quicken and historical method control the work of research[5]. Further, has not an important point been already gained by the universal admission that the key to the present is to be found as much in the *distant* as in the *immediate* past? Does not such a hypothesis imply the 'transforming conceptions' of the unity of history and the continuity of historical development, in which authorities like Professor Bury[6] have recognized the motive power for the advance which history has made for a hundred years? Let us also not forget the immense progress made in *allied* studies. To the wise liberality of a single nobleman of Bengal we largely owe the rapid advance in recent years of the historical and analytical study of Indian law[7]. Again, by the industry of a host

5 On the subject generally see G. P. Gooch—*History and Historians in the Nineteenth Century* (1913)., Ch. V. to VIII dealing with the school of romantic nationalism, Ranke, Giesebrecht and the Prussian School. Treitschke represents the apotheosis of aggressive nationalism in the writing of history. The fortunes of the German historical schools should provide both an inspiration and a warning to our own historical students.

6 See his Inaugural Address as Regius Professor of Modern History at Cambridge, (1903).

7 The Hon'ble Prosonno Coomar Tagore (1801—1868) endowed the Tagore Law Professorship in the University of Calcutta. It was first filled in 1870.

New Material for study.

of scholars, the available law-books—Sūtras, Smṛtis, Nibandhas and Commentaries—have been edited, analysed, translated and compared, sometimes over and again; so that, where Elphinstone and Mill had to depend exclusively on Manu and Kullūka, for their pictures of ancient Indian Society, their successors to-day can count their *legal* sources alone by the hundred literally[8]. The emulation of Sanskrit and Pāli scholars, which in its strenuousness has sometimes threatened to break out into a repetition of the ancient rivalries of the Brahman and the Buddhist,[9] has amassed much precious material for the study of the society of the so-called Vedic, Epic and Buddhist epochs of our history. The

8 See Bibliography in Appendix for the literature of *Dharmaśāstra.*

The names of the authors and of the titles of extant works on *Dharmaśāstra* alone listed in Appendix A. of Pandurang V. Kane's *History of Dharmaśāstra,* vol. 1., 1930, occupy 170 pages of two columns each. There are about 5000 entries.

See J. Jolly. *Recht und Sitte* 1896, trd. as *Hindu Law and Custom* by Batakrishna Ghosh, 1928.; J. Jolly—*History of Hindu Law* (Tagore Lectures, 1883), 1885; Introduction to Raymond West and G. Buhler's *Digest of Hindu Law,* 1869; and J. C. Ghose—*Hindu Law* (1903). The notable additions to the published original sources are the bhāṣyas of Aparārka and Viśvarūpa on the Smṛti of Yājñavalkya, published in 1903—4 and 1922—4 respectively and Sir Ashutosh Mookerjee's discovery and publication of Jīmūtavāhana's *Vyavahāramātrikā.*

9 *See* the attacks on the Brahmanical or Sanskrit points of view in T. W. Rhys Davids—*Buddhist India,* 1902, and especially the mordant remarks in the Preface. *See* also E. J. Rapson's paper "In what degree was Sanskrit a spoken Language?" in J. R. A. S., 1904, pp. 435—456, and the remarks thereon by Rhys Davids, Sir George Grierson and Dr. J. F. Fleet. (*Ibid.* pp. 457—487). A "Buddhist Age" or "epoch" of Indian History is a misnomer. It over-emphasises and exaggerates the spread and dominance of Buddhism and its rivalry and conflict with Hinduism: *see* V. R. Ramachandra Dikshitar—*Mauryan Polity,* 1932, p. 270.

tireless salvage operations carried on for over forty years have resulted in the collection of immense and evergrowing piles of lost literature, in which one may still delve and hope to come upon some invaluable treasure. And, the remarkable progress of Indian epigraphy, during the same period, has largely helped to free ancient Indian history from the reproach of being based exclusively on literature.

All this new material—Sanskrit and Pāli literature generally and the law books in particular, with the available inscriptions and the accounts, fragmentary or complete, of Greek or Chinese visitors—have placed in the hands of the modern student an abundance of data to be worked up. His good luck has, however, not stopped here. In 1882, a professor in a Madras College gave us the first satisfactory edition of Śukra's *Essence of Polity*. A great Sanskrit scholar of Bengal followed with an edition of the more popular manual of Kāmandaka.[10] A little later, Dr. Oppert again entered the field with an edition of a rare work, the *Nītiprakāśikā* of Vaiśampāyana, whom, with some indiscreet zeal, he identified with the eponymous sage of the *Mahābhārata*.[11] In 1887, a Bombay magazine, the *Grantharatnamālā*, began

10 Dr. Rajendralal Mitra edited the *Kāmandakīya Nītisāra* for *Bibliotheca Indica*. Mahāmahōpādhyāya T. Gaṇapati Śāstri published in 1912 a scholarly edition of it with *Jayamaṅgala*, a commentary by Śaṅkarārya.

11 Vaiśampāyana's work is in eight chapters and purports to have been recited to King Janamejaya at Takshaśila. It deals specially with *Dhanurveda*, the art of war. It mentions (I, 20—28) as authors of works on Polity the following :—Brahmā, Rudra, Subrahmaṇya, Indra, Manu, Bṛhaspati, Śukra, Bharadvāja, Gauraśiras, and Vyāsa.

to publish, in serial form, an annotated version of the rare *Nītivākyāmṛta*[12] (Nectar of Political Maxims), composed in the tenth century A. D., in the Dakhan, by the Jain polyhistor Somadeva, the *āśrita* of Yaśodhara, a feudatory of Kṛṣṇa III, the Rāshṭrakūṭa conqueror. In the following year, another Bombay publisher printed a digest on polity named the *Vivādārṇavasetu* (Bridge over the sea of Litigation). The work, which is not yet as well known as it might be, is interesting as the publisher wrongly claims it to be the production of a committee of *eleven* scholars commissioned to prepare a digest of Hindu Civil and Criminal Law for Ranjit Singh of Lahore, while it is really the original of Nathaniel Halhed's forgotten 'Gentoo Code.'[13] Meanwhile, the deserved fame of the Bhaṭṭa family of Benares, had led to the lithographing of the part relating to *polity* in the great digest which Bhaṭṭa Nīlakaṇṭha,[14] prepared in the seventeenth century and named after his patron, the Sengara chief,

12 This edition of Somadeva's work abounds in errors. The text differs greatly from that of an old manuscript of the treatise in the Palace Library at Trivandrum. Pandit Pannalal Soni published in 1923 an edition of the work, with an elaborate commentary by an unknown author, who makes numerous quotations from extant and lost works on *Dharmaśāstra* and *Nītiśāstra*. Many of the quotations from extant works cannot be traced in them.

13 Halhed translated the work from a Persian version of it. The *Gentoo Code* was published in 1776. A manuscript of the Sanskrit original in the Oriental Manuscripts Library at Madras bears the title *Vivādārṇavabhañjana*. It should not be confused with *Vivādabhangārṇava*, of Jagannātha Tarkapanchānana, the Sanskrit original of H. T. Colebrooke's famous *Digest*. A Lahore *pandit* started the story of *Vivādārṇavasetu* having been prepared for Ranjit Singh.

14 *Bhagavanta-bhāskara* was the title given by Nīlakaṇṭha to his Digest. It is encyclopaedic and is divided into *twelve Mayūkhas*. Of these the one on *Vyavahāra* has been translated or edited by Borrodaile (1827), V. N. Mandlik (1880) and P. V. Kane (1926).

Bhagavanta of Bundelkhand. The most sensational discovery in the newly reclaimed tract of *Nitiśāstra* came about a decade later and was almost the result of an accident. This was the finding of the *Arthaśāstra* or *Arthaśūtra* of Kauṭilya, a single manuscript of which was acquired, along with a hopelessly incomplete commentary, by the Mysore Oriental Library. About a decade after it was acquired, an edition of it was published by a Sanskrit scholar of our University.

The finding of the *Arthaśāstra* of Kauṭilya[15] will remind students of Roman Law of the fortunate accident which made Niebuhr light upon the manuscript of Gaius at Verona in 1816.[16] The recovery of the

15 The manuscript from which the *Arthaśāstra* was first published in 1909 by Dr. R. Shama Sāstri came from a pandit living in a village near Conjeevaram (Kāñcīpura). All the manuscripts of the work, which have so far come to light, including the one in the Munich Library, have come from South India. Dr. Shama Śāstri used two manuscripts in the Madras Oriental Manuscripts Library and a Manuscript of a fragment of Bhaṭṭasvāmin's commentary (Bk. II ch. 8—36) in preparing the *second* Mysore edition (1919). Dr. J. Jolly, with the assistance of Dr. R. Schmidt, published a new edition in two volumes with the fragment of Mādhavayajvan's commentary *Nayacandrikā* in the Punjab Sanskrit Series, in 1924. But, the merit of further discoveries of manuscripts of the work and the production of a critical edition with a learned Sanskrit commentary *Śrimūlam*, composed by himself, is that of Mahāmahōpādhyāya T. Gaṇapati Śāstri. This edition appeared in three volumes at Trivandrum, 1924-26. It is based on five additional manuscripts, four of which were found in Travancore and Cochin. The fragment of Bhaṭṭasvāmin's Commentary (*Pratipadapañcikā*), has been edited by K. P. Jayaswal and A. Banerji-Śāstri (Patna, 1926).

16 *See* J. Muirhead—*Historical Introduction to the Private Law of Rome* (1889), pp. 308—311. For Niebuhr's own account of the discovery. See his "Life", vol. II. pp. 52—53. *See* Maine—*Early History of Institutions*, p. 250, for the epochal nature of the discovery.

Indian work has inaugurated a new epoch in the study of ancient Indian institutions—political and economic —and the press in India and elsewhere, during the past few years, has shown how largely and enthusiastically the *Arthaśāstra* is being pressed to yield information on the conditions of the epoch in which it was composed.

Kauṭilya—name and personality

Kauṭilya,[17] or *Cāṇakya*—to give him the name by which he is better remembered, is well known in Indian tradition or legend. The Purāṇa texts of the dynasties of the Kali age, which according to their latest editor, Mr. F. E. Pargiter, attained their present form by A.D. 250,[18] refer to Kauṭilya's part in the revolution which overturned the Nanda dynasty of Magadha and placed Candragupta Maurya on the throne.[19] The last verse[20]

17 *See* Appendix I.

18 *See Dynasties of the Kali Age*, 1913, p. xxvii, paras. 48—52. He holds that the *Bhaviṣya Purāṇa* account was revised, in regard to subject matter about A. D. 320 and a few years later in regard to the language.

19 The *Matsya*, *Vāyu* and *Brahmāṇḍa* Purāṇas have:

सुकल्पादि सुता हि अष्टौ समाद्वादश ते नृपाः ।
महापद्मस्य पर्याये भविष्यन्ति नृपाः क्रमात् ॥
उद्धरिष्यति तान् सर्वान् कौटिल्यो वै द्विरष्टभिः ।
भुक्त्वा महीं वर्षशतं ततो मौर्यान् गमिष्यति ॥
कौटिल्यः चंद्रगुप्तं तु ततो राज्येऽभिषेक्ष्यति ।
चंद्रगुप्तं नृपं राज्ये कौटिल्यः स्थापयिष्यति ।

(*Matysa*) (*Vāyu* and *Brahmāṇḍa*).

20 येन शास्त्रं च शस्त्रं च नन्दराजगता च भूः ।
अमर्षेणोद्धृतान्याशु तेन शास्त्रमिदं कृतम् ॥

Arthaśāstra, XV, 1.

in the *Arthaśāstra*, as it stands at present, would appear to confirm this story. For, it states that the author of the work was the man, who, in his unforgiving anger, took up arms, used his knowledge, and plucked the earth from the Nanda Rajas. Another passage explicitly states that the work was composed by Kauṭilya for the use of the king of men (*Narendra*).[21] Kāmandaka, who begins his work by confessing himself a follower of Kauṭilya[22], an admission which is confirmed by a comparison of the two works showing that Kāmandaka merely versified the passages of the *Arthaśāstra*, sometimes without even understanding them or verifying their references—repeats the identical story, and adds the statement that through Cāṇakya's efforts Candragupta's sovereignty was extended over the whole earth. He also specifically refers to Kauṭilya as the author of a book on polity. If it is not possible to use effectively

[21] सर्वशास्त्राण्यनुक्रम्य प्रयोगमुपलभ्य च ।
कौटिल्येन नरेन्द्रार्थे शासनस्य विधिः कृतः ॥

Arthaśāstra, II. 20.

Mr. K. P. Jayaswal has ingeniously argued on the strength of the use of the word *Narendra* in *Brahmāṇḍa Purāṇa*, instead of *Maurya*, that *Narendra* is another name for Candragupta. *See Indian Antiquary*, XLVII p. 55, (1918).

[22] एकाकी मन्त्रशक्त्या यः शक्त्या शक्तिधरोपमः ।
आजहार नृचंद्राय चंद्रगुप्ताय मेदिनीम् ॥
नीतिशास्त्रामृतं श्रीमानर्थशास्त्रमहोदधेः ।
य उद्दध्रे नमस्तस्मै विष्णुगुप्ताय वेधसे ॥
दर्शनात् तस्य सुदृशो विद्यानां पारदृश्वनः ।
राजविद्याप्रियतया सङ्क्षिप्तग्रन्थमर्थवत् ॥

(*Nitisāra*, I., 5—7.)

the reference in Kāmandaka—because dates ranging from the first to the sixth century A.D.[23] have been ascribed to him by different scholars, what shall we say of the specific references to Kauṭilya and paraphrases of his words which occur in the great romance of Daṇḍin,[24] our inimitable master of rhetoric and realism, and of Bāṇa's denunciation[25] of the immoral influences which were believed to radiate from Kauṭilya's teachings? The Prologue to the *Pañcatantra*—the Indian

23 The lower limit of Kāmandaka is furnished by the *Pañcatantra*, which quotes from his work, and by Daṇḍin's reference to him (*circa* 550 A. D.) The *Nītisāra* is clearly later than the extant recension of the *Mānavadharma-śāstra*, to which Buehler has assigned the second century A. D. as the *lower* limit. Kāmandaka's reference to Kauṭilya as 'Master' does not imply that the two were contemporaries. Rather would the description of Kauṭilya as *vedhas* (ancient sage) indicate his remoteness in point of time from his admirer, Kāmandaka. Dr. H. Jacobi (*Indian Antiquary*, 1918, p. 159) would place Kāmandaka in the 3rd century A. D., at the earliest.

24 Daṇḍin's famous ironical reference to Kauṭilya occurs in *Daśakumāracarita* (ed. Buehler II, pp. 51—55). By a detailed comparison of it with the *Arthaśāstra*, Dr. Shama Sāstri has showed that Daṇḍin was familiar with the *Kauṭilīya* as we now have it. (*See* pp. vi—vii of the Sanskrit introduction to the first edn. of the *Arthaśāstra*.)

25 The following passage contains Bāṇa's (*circa* A. D. 630) reference to Kauṭilya (ed. Peterson, 1889, Vol. I, p. 109):

किं वा तेषां सांप्रतं येषां अतिनृशंसप्रायोपदेशनिर्घृणं
कौटिल्यशास्त्रं प्रमाणं, अभिचारक्रियाक्रूरैकप्रकृतयः
पुरोधसो गुरवः, पराभिसंधानपराः मंत्रिणः
उपदेष्टारः, नरपतिसहस्रभुक्तोज्झितायां लक्ष्म्यां
आसक्तिः, मारणात्मकेषु शास्त्रेषु अभियोगः,
सहजप्रेमार्द्रहृदयानुरक्तभ्रातरः उच्छेद्याः ।

Every one of the above biting statements can be plausibly justified from the *Arthaśāstra*.

story book which had attained, in its revised form, such fame even *outside* India as to induce Khusru Anushivan (A. D. 531 to 579) to get it translated into Pahlavi, the official language of Persia—mentions Cāṇakya's work as the type of *Arthaśāstra.*[26] The work appears to have been known, and regarded with some awe, in the centuries following, especially after it began to obtain a reputation for containing immoral or improper precepts of action. Viśākhadatta,[27] a talented dramatist of the seventh or eigth century, used the story of Cāṇakya in

26 The *Pañcatantra* underwent many revisions, and attained nearly its present form in the sixth century A. D. It contains fourteen quotations from Kāmandaka, as well as quotations from Varāhamihira's (*circa* 505—587 A.D.) *Bṛhatsamhita* (IX 25, XLVII 14), Kālidāsa's *Kumārasambhava* (II. 55) and Māgha's *Śiśupālavadha* (II. 54). *Tantrākhyāyika*, the oldest recension of *Pañcatantra* (Harvard Oriental Series, XIV), p. 1 opens thus:

मनवे वाचस्पतये शुक्राय पराशराय ससुताय ।
चाणक्याय च महते नमोस्तु नृपशास्त्रकर्तृभ्यः ॥

Pañcatantra vol. I. (ed. F. Kielhorn, 1896, p. 2) in referring to *typical* authorities states:

ततो धर्मशास्त्राणि मन्वादीनि, अर्थशास्त्राणि
चाणक्यादीनि, कामशास्त्राणि वात्स्यायनादीनि ।

For other references to Cāṇakya, *See ibid* vol. II ed. Buehler, 1891) p. 65, vol. III (ed. Buehler, 1891,) p. 50 and p. 65.

27 Viśākadatta has utilised the Indian legends concerning Cāṇakya (Kauṭilya) fully. K. T. Telang (edn. *Mudrārākṣasa* Intro. p. XXVII) held that the play was composed early in the eighth century A. D. Professor E. J. Rapson (J. R. A. S., 1900, p. 535) places it in the seventh century, while Vincent Smith (*Early History of India*, 3rd edn. 1914, p. 43 and p. 120) and S. Srīkantha Sāstri (*Ind. Hist. Quarterly* 1931, pp. 163—9), hold that the play was probably composed about A. D. 400, in the reign of *Candragupta* II, and that it is not later than the fifth century A. D. The full Kauṭilya legend appears to have become current before the Gupta period.

a popular play. Despite the explicit praise of his ability and the equally explicit condemnation of his 'false teachings' in the Jain canonical *Nandisūtra*,[28] Somadeva, who seems to have been a Jain teacher (*circa* A. D. 959), based his own work—*Nītivākyāmṛta*—almost exclusively on the *Arthaśāstra*, modifying such expressions of opinion as conflicted with Jain views on ethics and religion. The work seems to have been available to scholars even later. Thus, Mallinātha,[29] the Dakhan commentator of the fourteenth century, quotes the *Arthaśāstra* in his commentary on the *Raghuvamśa* (xvii. 49, 76; xviii. 50). Aruṇācala, and older commentator on Kālidāsa—and a South Indian whose work is just being published by the Travancore Darbar—appears to have had the *Arthaśāstra* before him. And in the seventeenth century commentary on Aruṇācala's gloss on the *Kumārasambhava*, Nārāyaṇa Paṇḍita (probably a Nambūdiri of Calicut) quotes Kauṭilya. We have thus proofs of both the dispersion[30] and of the vitality of the *Arthaśāstra*; but what we need is a convincing explanation that would account for its uniform rarity ending in its total disappearance, almost on the threshold of our own times.

28 *Nandisūtra*, 391 in referring to मिथ्याशास्त्र cites as examples भारहं रामायणं भीमासुरक्कं कोडिल्लियं ।

29 Mallinātha was a Telugu Brāhman of Tribhuvanagiri in Cuddapah district, and his approximate date is A. D. 1350 (See G. R. Nandargikar—*Raghuvamśa*, preface 1—9).

30 *See* Appendix I for further allusions in later literature to Kauṭilya.

Questions in issue.

The Purāṇic lists of dynasties, which refer to Cāṇakya, attained their present form, according to Mr. Pargiter about A.D. 250. It would thus appear that Cāṇakya must have lived at some earlier period pretty far removed from the middle of the third century A. D., and that his work should give indications of this fact, if it was *really* composed by him. What evidence of its authenticity do we possess? Have we any further evidence tending to establish its priority in date to well-known works on *Dharmaśāstra* and *Nītiśāstra*? Is the *Arthaśāstra*, as we now possess it, homogeneous and the production of a single author? These are the questions that have to be considered before the value of the *Arthaśāstra* for the study of our ancient institutions can be fully appreciated.

The homogeneity of the Kauṭilīya.

To take the last point first. The question of homogeneity is decided easily in favour of the *Arthaśāstra*. Every quotation stated to be made from it has been found in it, and every discovered reference to its contents by writers from the sixth to the seventeenth centuries has proved capable of verification. Even unacknowledged borrowings, like those of Somadeva, are easily detected by one familiar with its contents.[31] Its unity of plan and its individuality are evident from its

31 Somadeva often quotes the very words of Kauṭilya, but without acknowledging the borrowing, and with much skill he weaves the quotations into the general texture of his discourse. Compare *Kautilīya*, p. 12, ll. 15—16 (First edn.) with Somadeva (1st edn.) p. 5, ll. 14—16; *Kauṭilīya* p. 6 l. 9 with Somadeva p. 10, l. 1; *Kauṭilīya* p. 26, l. 10 with Somadeva p. 28, l. 4; *Kauṭilīya* p. 42, ll. 15—19 with Somadeva p. 87, ll. 6—9. Other instances are cited by Pandit Pannalal Soni on pp. 6—7 of the introduction to his edition of *Nītivākyāmṛta* (1923).

beginning to its end. Its style is uniform. It is true to its own description of its size and scope.[32] It contains just the 6,000 ślokas or groups of thirty-two syllables, it professes to contain, and which Daṇḍin referred to in the sixth century A.D. as the measure of its size. With characteristic thoroughness and eye to detail the author of the *Arthaśāstra* has provided against both interpolation and tampering by beginning with a chapter on the contents (*adhikaraṇa samuddēśa*), and ending with another on the scheme of verbal contractions employed by him in the work (*tantrayukti*).

Other safeguards, which Cāṇakya could not perhaps have foreseen, have sprung up to protect his work from alteration. To begin with, unlike the *Dharmasūtras* which were manuals for the use of particular *caranas* or Vedic schools, the *Arthasūtra* was by its nature common to followers of all Vedic schools. Rules of law and conduct, on the other hand, like those contained in a *Dharmasūtra* are of interest to all *classes*

32 The introductory chapter (*Adhikaraṇa-samuddēśa*) which appears to give the headings of the divisions of the *Arthaśāstra*, has been rightly taken by Gaṇapati Śāstri as containing the aphorisms (Sūtra) of Kauṭilya, the succeeding chapters containing his discourse thereon (Bhāṣya). This interpretation will accord with the concluding verse of the work :

दृष्ट्वा विप्रतिपत्तिं बहुधा शास्त्रेषु भाष्यकाराणाम् ।
स्वयमेव विष्णुगुप्तश्चकार सूत्रं च भाष्यं च ॥

The indentical procedure is followed in Vātsyāyana's *Kāma-sūtra*. Both works claim to be based on experience (*prayoga*). The fragment of *Mādhava-yajvan's* commentary on the *Arthaśāstra*, entitled *Naya-candrikā*, treats the chapter headings from the introductory chapter as *Sūtras*.

H. Jacobi (*Ind. Hist. Quarterly*, III. 669) holds the above verse to be an interpolation from some old commentary.

of men equally, while, from their highly specialized nature, the contents of the *Arthasūtrās* would have attraction only to princes and those destined to administrative careers. Thus, the *Arthasūtra* shared with *Dharmasūtra* the character of having a limited circle of students, while it had, in common, with the later metrical law-books or smṛtis, a feature of universality in that it appealed equally to men of *all* the Vedic schools among the twice-born. This feature made the temptation to interference with its contents less, and the chances of detection of any tampering greater than in the case of the law-books.

A second accidental circumstance restricting interpolation must have been furnished by the growing unintelligibility of the meaning of the *Arthasūtra*. This may perhaps be due to the circumstance that, as pointed out by Professor Rhys Davids in a similar case,[33] *a sūtra book was not intended to be read.* It was intended to help the students to follow their Master's lectures and to memorize what had been taught. The sūtras of Kauṭilya are often, and naturally, fuller than other sūtras. But for such fulness, they would have rapidly become completely unintelligible, especially as from their nature, the meaning of the *Arthasūtra* must have been kept within a close circle. While no one is interested in keeping an aphoristic work on grammar, or philosophy, or religion or even law as a *mystery,*

33 *Dialogues of the Buddha,* vol. I. Preface, pp. xx—xxii. The observations of Rhys Davids in the cited passage will prove illuminating to students of the *Arthaśāstra.* *See* also E. J. Rapson—*Ancient India,* 1914, pp. 76—77.

powerful interests become desirous of maintaining the inviolable secrecy of the interpretation of such important—one may almost say dangerous—works as the *Arthasūtras*.[34]

Why copies of the Kauṭilīya have been rare.

This point is worth some elaboration as it may help in part to answer a question raised earlier, as to why the *Arthaśāstra* of Kauṭilya has always been rare, and why it appears to be quoted, when quoted at all, with an appearance of learned self-consciousness. It may also serve to explain why when the works in other branches of knowledge are numerous, those on *Arthaśāstra* are so few. It is certainly significant that every work on the subject of *Nīti* or *Artha* has to explain its existence—stating either, directly, as in the case of Cāṇakya, or by implication, as in the case of Somadeva, that it was written for the guidance of a prince,[35] or professing to be the abridgment of another work, as in the case of Kāmandaka, or claiming to be the work of a famous sage—as in the *Nītis* of Śukra and Vaiśampāyana.

34 In the ages of belief in the supernatural, parts of the *Arthaśāstra* like Book XIV, XIII 3, IV 2, etc. which dealt with secret means, magic, spells, and incantations should have been regarded by kings as dangerous literature which should not pass into the hands of enemies and disaffected subjects. Kauṭilya's inductive treatment of such topics as the overthrow of princes, etc., should have made kings eager to prevent the popularisation of the *Arthaśāstra*. The tremendous prestige of Kauṭilya's name would also have cast a glamour on his treatise and generated even a fear of it. That it was frequently annotated is evident from the references to previous commentators (*anyē, aparē*) in *Mādhava-yajvan's* (pp. 35, 61, 62, 104, 115, 131 and 191) and in Bhaṭṭa-Svāmin's extant commentaries. The former even discusses alternative readings.

35 Mr. K. P. Jayaswal's discovery (1918) and publication (1924) of Caṇdeśvara's *Rājanīti-Ratnākara* has rendered accessible another treatise

When the fewness of the extant schools of *Artha-śāstra* is contrasted with the indications we now have of the intellectual activity in the field of Politics and Economics in the day of Cāṇakya, and the generations before him, the conviction is forced on us that mere moral or intellectual degeneracy could not satisfactorily explain decadence in this respect, for such a decline must, if general, be traceable in every branch of intellectual activity; and no such decline could apparently be referred to. Nor would the triumph of Buddhism over Hinduism be any explanation of the circumstance, for when a Jain like Somadeva could write a treatise on Politics, adapting, the work of the *Brahman* Kauṭilya, a Buddhist could have equally done so. Nor could it be due to the rise of dynasties of non-Hindu or of Śūdra origin. For we have in the much later *Śukranītisāra* amusing attempts at reconciling Brahman claims and immunities with the need to treat politely the susceptibilities of those of influence who were not among the twice-born.[36] An explanation that would appear to meet

on Polity written by command by an experienced minister for the use of his prince :

राज्ञा भवेशेनाज्ञप्तो राजनीतिनिबन्धकम् ।
तनोति मंत्रिणामार्य्यः श्रीमान् चण्डेश्वरः कृती ॥

Bhaveśa or Bhavasimha was a ruler of Mithila who became King about A. D. 1370, when Candeśvara must have been an octogenarian. Another work of the kind, which exists in fragments and is unpublished, is *Rājadharma-Kalpataru*, composed for Gōvindacandra, King of Kāśī, by his minister Lakṣmīdhara (11th century A. D.) A lost work quoted by Candēśvara is Gopāla's *Rājanīti-Kāmadhenu*.

36 For Śukra on the privileged position of the Brahman, see his work, Ch. III, ll. 546—550, Ch. IV. iii. ll. 32, 37—40, Ch. IV, v, ll. 38—39, ch. IV, vii, ll. 458, 604—7, 634—5, 649—50, 633—5 and 664—7. Śukra

the case, all round, is that the unification of a large part of India, for a fairly long period, under a single ruler or dynasty or throne, made it unnecessary and undesirable to perpetuate or continue such *free* discussions on Politics. Were we to accept as true the tradition that Cāṇakya was the contemporary of Candragupta Maurya, the fate of his work and of the schools of Politics which had been active in and before his time, will become intelligible. The prolongation of an empire's existence to the unusual length that fell to the lot of the empire of Magadha, and its extension over so large an area, may have made it an object of imperial concern to close the academies where *first principles* could be applied to such delicate questions as those in the discussion of which Cāṇakya and his predecessors seem to have found delight. And, where the chief works were in sūtra form, and were treated as fit only for a very select esoteric section of the community, the chances of their survival would appear to be less than those of their

apparently intended that the higher civil offices of the state should be held by Brahmans, but for the command as well as for the rank and file of the army persons of any caste are eligible (Ch. II, 279—280):

शूद्रा वा क्षत्रिया वैश्या म्लेच्छाः संकरसंभवाः ।
सेनाधिपाः सैनिकाश्च कार्या राज्ञा जयार्थिना ॥

Compare also : Ch. I, 75—76 :

न जात्या ब्राह्मणश्चात्र क्षत्रियो वैश्य एव च ।
न शूद्रो न च वै म्लेच्छो भेदिता गुणकर्मभिः ॥

and, Ch. II, 110—111 :

नैव जातिं न च कुलं केवलं लक्षयेदपि ।
कर्मशीलगुणाः पूज्याः तथा जातिकुले न हि ॥

speedy extinction. If it be true that Cāṇakya was responsible for the building up of the empire whose triumph made the continuance of such works as his undesirable, cynics among historians may have another instance of a man's work proving *too thorough.* Let it also be borne in mind that, to the generations which believed in the *Purāṇas,* the share of Cāṇakya's wisdom in the erection of the Mauryan empire must have appeared so real that it should have roused public curiosity to infringe and royal vigilance to protect the mystery of his teachings and opinions.

These are surmises; but they are not altogether baseless. Kāmandaka who appears to have been separated by a long interval from Kauṭilya, whom he lauds, expressly declares that he summarises Kauṭilya's *Arthaśāstra.* And yet, in doing so he omits altogether the subject-matter of *four* books out of the fifteen of the original—forming in length about half the work, and in importance, not less than half. For, the omitted portions include the elaborate description of the administrative system, (Book II),[37] and the shorter statements of civil and criminal law—besides a whole book containing spells in the efficacy of which Kāmandaka must have believed as implicity as his model.[38] That the

37 *Adyakṣa-pracāra, Dharmasthīyam, Kaṇṭaka-śodhanam* and *Aupaniṣadikam.*

38 Kāmandaka (IV 38) recommends the appointment of an astrologer to the King, Kauṭilya while allowing the astrologer condemns addiction to astrology, (IX, 4, 142) :

नक्षत्रं अतिपृच्छन्तं बालमर्थोऽतिवर्तते ।
अर्थो हि अर्थस्य नक्षत्रं किं करिष्यन्ति तारकाः ॥

subject-matter omitted was still deemed of general interest is evident from the circumstance that the *Śukranītisāra* (which, in its present form, is probably not older than Kāmandaka's work) deals with part of it. The suspicion that the professed admirer and apologist of Cāṇakya did not quite understand his original, and, therefore, omitted what he failed to grasp is strengthened by two circumstances. These are, (1) Kāmandaka's habit of almost literally turning into verse the aphorism of Cāṇakya[39] in which he meets the

Kauṭilya's faith in the efficacy of spells is evidenced by the qualifications he prescribes for the King's *Purohita* (I, 5):

पुरोहितं उदितोदितकुलशीलं षडङ्गे वेदे दैवे
निमित्ते दण्डनीत्यां च, अभिविनीतमापदां
दैवमानुषीणां अथर्वभिरुपायैश्च प्रतिकर्त्तारं कुर्वीत ॥

See also Book XIV.

39 As illustrations of Kāmandaka's merely turning into verse the prose of the *Kauṭilīya, cf*:

दुर्गसेतुकर्मवणिक्पथशून्यनिवेशखनिद्रव्यहस्तिवनकर्माणि ।
(*Arthaśāstra* VII, 1, 99), and

कृषिर्वणिक्पथो दुर्गं सेतुः कुंजरबन्धनम् ।
खन्याकारो वनादानं शून्यानां च निवेशनम् ॥
अष्टवर्गमिमं साधु स्वस्थवृत्तं विवर्धयेत् ।

(*Kāmandakīya*—V, 77), R. L. Mitra's edn. reads धनादानं and स्वच्छवृत्तं and a comparison with the original passage in *Arthaśāstra* shows the superiority of the version cited above, from *Śankarārya's* text—edn. Gaṇapaṭi Śāstri, 1912.

The illustrations given by Kauṭilya (I, 20) are cited by Kāmandaka, without alteration, (VII, 51—4):

देवीगृहं गतो भ्राता भद्रसेनममारयत् ।
मातुःशय्यान्तरालीनः कारुशं चौरसः सुतः ॥

position of a previous writer, without any indication of his understanding clearly the point at issue, and (2) the importance which Kāmandaka gives in the heirarchy of government, *against the spirit of Kauṭilya's teachings,* to court parasites, favourites, female attendants in the seraglio, jesters and *astrologers.*[40] Another circumstance leading perhaps to the same conclusion is that Vaiśampāyana's *Nītiprakāśikā* appears to borrow freely from Kāmandaka, while, at the same time, it does not give any indication of being familiar with Kāmandaka's original.

Chronological position of the Kauṭilīya

We may now proceed to a consideration of the second point, namely, the chronological position of Kauṭilya's *Arthaśāstra* in our literature of Law and

लाजान् विषेण संयोज्य मधुनेति विलोभ्य तम् ।
देवी तु काशिराजेन्द्रं निजघान रहोगतम् ॥
विषदिग्धेन सौवीरं मेखलामणिना नृपम् ।
नूपुरेण च वैरूप्यं जारुष्यं दर्पणेन च ॥
वेण्यां शस्त्रं समाधाय तथा चापि विदूरथम् ॥

The *Arthaśāstra* has जालूथ for जारुष्य.

A comparison of *Kauṭilīya* I, 15 (on the strength of the *Mantripariṣad*) with its versified form in *Kāmandikīya* XII, 48 will show how the latter equated *Manu*, etc., with Kauṭilya's *Mānavāh*, etc., without noting the difference.

40 *See Kāmandakīya* :

पुत्रेभ्यश्च नमस्कुर्यात् वल्लभेभ्यश्च भूपतेः ।
न नर्मसचिवैः सार्धं किंचिदपि अप्रियं वदेत् ॥

(V. 19—20.)

For female attendants and courtesans in the Seraglio, see *ibid*, VII 28, 41 and 45.

Polity. In regard to the latter it is needless to consider any further question except the priority of the *Artha-śāstra* to the *Nītisāra* of Śukra, since Kāmandaka's work (which Messrs. Kane and Gaṇapati Śāstri would assign to the period between Kālidāsa and Daṇḍin), is a professed abridgement of Kauṭilya's, and Vaiśampā-yana's book is based largely, though without acknowledgment, on Kāmandaka's.

relatively to Manu, Śukra and Yājña-valkya.

In regard to the Dharmaśāstra literature, it would be sufficient to compare the *Arthaśāstra* with two well-known works of great and abiding influence, namely the extant Smṛtis bearing the names of Manu and Yājñavalkya.[41] To the former, in its present form, Dr. Buehler has after careful research assigned a date between the second century B.C. and the second century A.D. The latter, Dr. Jolly once assigned to the first century A.D. But, as admittedly, Manu's *smṛti* is anterior to the *smṛtis* of Viṣṇu and Yājñavalkya, there has been a tendency, since Dr. Buehler's translation of Manu was published, to bring the date of Yājñavalkya's work to about the middle of the fourth century A.D.[42] These

41 Compare, for instance, *Nītiprakāśikā* I. 51, I. 53, I. 54 and VI, 89, with *Kāmandakīya* V, 78—79, XIII 61 and XIV, 7., VIII, 18 and 24 and XIX, 18.

42 For a full resumè of the evidence and the literature bearing on the dates of the extant Smṛtis of Manu and Yājñavalkya, *see* P. V. Kane—*History of Dharmaśāstra*, vol. I, 1932, pp. 135—158, and 168—190. See also Mr. K. P. Jayaswal's striking Tagore Lectures (1917) on *Manu and Yājñavalkya*, 1931. Buehler's conclusion fixing the lower limit of the extant *Manusmṛti* 'at the beginning of the second century A. D. or somewhat earlier' is argued out fully in the elaborate introduction to his translation (S.B.E. 1886) of *Manusmṛti* (pp. cxiv—cxvii). Buehler (*ibid.* p. cxviii) assigned Yājñavalkyasmṛti and Nāradasmṛti to the fourth or fifth century

are points to remember with reference to the argument that follows. For, if it be clear that the *Arthaśāstra* is *much anterior* to Manu's *extant* work, the date of the composition of the *Arthasūtra* will be brought within measurable distance of the period, in which Kauṭilya is *traditionally* stated to have flourished; and, thereby, an important step would have been taken in establishing the authenticity of the *Arthaśāstra*.

Comparison of Kauṭilya's views with those of Manu.

To begin with, we may compare Manu and Śukra with Kauṭilya. Kauṭilya allows *Niyoga*[13] (the appointment of women) in its ancient fulness, equally to widows

A. D., and *Bṛhaspati-smṛti* to the sixth or seventh century A. D. Jolly (*Hindu Law and Custom*, Eng. Tn. 1928, pp. 33, 44, 48 and 56) agrees with the above conclusions. Dr. A. C. Burnell's curious view that the extant *Manusmṛti* was composed in the Dakhan about A. D. 500. (*see* Intrn. p. xxvii to his trn. of *Manu*, ed. E. W. Hopkins, 1891) is no longer seriously debated. Mr. K. P. Jayaswal (*Calcutta Weekly Notes*, vol. 15., p. ccc) urges that *Senāpatya* in *Manusmṛti*, XII 100, refers to *Puṣyamitra*. Mr. Kane accepts Buehler's conclusions in regard to *Manusmṛti*, but considers 'the third century A. D. as the latest date to which the *Yājñavalkyasmṛti* can be assigned with any show of reason'.

Mr. Batakrishna Ghosh (*Indian Historical Quarterly*, 1927, p. 607 ff.), holds that Āpastamba is earlier than Gautama.

43 'Niyoga means order, commission, and this order or commission in which the whole practice centres was to the effect that a brother or other near kinsman (*sapiṇḍa*), or on the failure of such, any member of the highest or Brahman caste was to beget a son and heir to one either deceased, or alive but incapable of begetting male issue. (Jolly, *History of Hindu Law*, p. 152.)

The chief references on the subject in the *Dharma-śāstras* are to be found in :—

Gautama, XVIII, 4—14; XXVIII, 22—23; Vasiṣṭha, XVII, 14, 55—66; Baudhāyana, II, 2, 4, 7, 10 ; II. 2, 3, 17 ; Viṣṇu, XV, 3; Manu, IX, 56—63, 143—7, 164—7; Yājñavalkya, II, 127—8; Nārada, XII. 80—88; and Hārita, IV. 17.

Dr. Jolly (*ibid.*, p. 153—4) holds on insufficient grounds that Niyoga was originally restricted to widows and was in later times extended to

and to the wives of men afflicted with disease. His views are, in these respects, similar to those of Gautama, the author of the oldest extant treatise on Indian law (Sixth century B.C.). Manu roundly condemns the practice of *Niyoga*. Again, courtesans[44] are, according to Kauṭilya, to be organized under a department, for police, sanitary and sumptuary purposes and are to form members of a recognized Government institution. Manu would unhesitatingly punish them as being a public scourge. The ancient vices of gambling and drink[45] are allowed by Kauṭilya, who would provide for their regulation and control by the State, viewing them not merely as *necessary* evils, but as valuable aids to the police and the fisc. Manu would punish gambling and treat the use of intoxicants as a deadly and almost

wives, and apparently overlooks the data in the *Mahābhārata* and the available evidence in reference to the growth of the institution in other countries, which point the other way.

Arthaśāstra, III, 5 :

तेषां च कृतदाराणां लुप्ते प्रजनने सति ।
सृजेयुर्बान्धवाः पुत्रान् तेषामंशं प्रकल्पयेत् ॥

Ibid., III., 6 :

क्षेत्रे वा जनयेदस्य नियुक्तः क्षेत्रजं सुतम् ।
मातृबन्धुः सगोत्रो वा तस्मै तत् प्रदिशेद्धनम् ॥

Manusmṛti, IX, 64 :

नान्यस्मिन् विधवा नारी नियोक्तव्या द्विजातिभिः ।
अन्यस्मिन् हि नियुञ्जाना धर्मं हन्युः सनातनम् ॥

44 See *Arthaśāstra*, II, 27, on *Gaṇikādhyakṣa*; and *contra Manusmṛti*, IV 209, 219 and IX, 259.

45 For 'gambling' see *Arthaśāstra* III, 20; as also VIII, 4 and X, 1. For 'drink' *ibid* II, 25; *contra Manusmṛti IX*, 235 *XI*, 55 (a mortal sin); and IX, 237, XI, 49 and XII, 56 (punishment).

inexpiable sin. The much later fragments of the institutes of Bṛhaspati are aware of the contradiction, and notwithstanding their own teaching that any text opposed to Manu loses its binding force,[46] they would permit gambling under State supervision, for the purpose of helping to detect crime.[47] Again, Kauṭilya knows of remarried widows, and unmarried mothers.[48] Manu forbids such remarriage, allowing an exception only in the case of those who are widowed as virgins. Again, in Manu heresy entails banishment.[49] Śukra

Śukra,

46 See the following citation of Bṛhaspati by *Aparārka* in his comments on *Yājñavalkya* II, 21 :

वेदार्थोपनिबन्धत्वात् प्राधान्यं तु मनुस्मृतौ ।
मन्वर्थविपरीता या स्मृतिः सा न प्रशस्यते ॥

47 Thus Bṛhaspati :

द्यूतं निषिद्धं मनुना सत्यशौचधनापहम् ।
तत्प्रवर्तितमन्यैस्तु राजभागसमन्वितम् ॥
सभिकाधिष्ठितं कार्यं तस्करज्ञानहेतुना ।

48 *Kauṭilīya*, III, 7, 60 :

कन्यागर्भः कानीनः ; सगर्भोढायास्सहोढः ; पुनर्भूतायाः पौनर्भवः.

49 *Manu*, IX, 64—65 :

नान्यस्मिन् विधवा नारी नियोक्तव्या द्विजातिभिः ।
अन्यस्मिन् हि नियुञ्जाना धर्मं हन्युः सनातनम् ॥
नोद्वाहिकेषु मन्त्रेषु नियोगः कीर्त्यते क्वचित् ।
न विवाहविधावुक्तं विधवावेदनं पुनः ॥

Ibid, V, 162 :

न द्वितीयस्तु साध्वीनां क्वचिद्भर्तोपदिश्यते ।

Manusmṛti, IX, 225 :

कितवान् कुशीलवान् क्रूरान् पाषण्डस्थांश्च मानवान् ।
विकर्मस्थाञ्छौण्डिकांश्च क्षिप्रं निर्वासयेत् पुरात् ॥

would go further and assign to the State the duty, which in English law was, or still is, its, viz., the punishment of blasphemy.[50] Kauṭilya, on the other hand, would go no further than deprive apostates of the right of maintenance from the family estate, and even there he would make an exception in favour of the mother's right to be *always* maintained by her offspring[51]. In regard to succession, Kauṭilya would give special shares to the eldest and other sons in the private estate, but would ordinarily recognize a right of primogeniture in the

50 Śukra's condemnation of the atheist (*nāstika*) and the blasphemer (*Arya-deva-dūṣaka*) is implied in the list of persons who are to be punished by the just King (*Śukranīti* Ch. IV, Sec. 1, ll. 194—222). The list significantly includes 'the violator of the rules of conduct for the castes and orders' (tyakta-varṇāśramāçāra). On apostasy and blasphemy in English law, See Maitland—*Collected Papers*, vol. I. pp. 385—406, and vol. II. pp. 274—279, and W. Blake Odgers—*Law of Libel and Slander* (1896), pp. 463—490.

51 Thus Kauṭilya (II, 1.) :

अपत्यदारान् मातापितरौ भ्रातॄनप्राप्तव्यवहारान्
भगिनीः कन्या विधवाश्च अबिभ्रतः शक्तिमतो
द्वादशपणो दण्डः ; अन्यत्र पतितेभ्यः, अन्यत्र मातुः ।

This should be translated thus : 'When a person who is able to do so does not maintain his child, wife, parents, brothers not of age, and sisters (unmarried and widowed) he is to be fined twelve *paṇas*. [The benefits of the rule shall be] otherwise in the case of outcastes, but the case of a mother who is an outcaste is an exception to the proviso'. Dr. Shama Śāstri's version (p. 47, Eng. trn.) "When a capable person other than an apostate (patita) *or* mother neglects to maintain his or her child etc." is wrong and errors both against the letter and the spirit of Kauṭilya's injunction and teaching generally. Dr. Gaṇapati Śāstri has accepted my version: 'माता तु पतितापि रक्षणीया.' (his edn. of *Arthaśāstra*, I, vol. I. p. 113). The only persons, according to Dr. Shama Śāstri, privileged to discard their obligations are the apostate and the mother!

succession to the throne.[52] This Manu would apparently also allow. But they differ in regard to the *equal* rights of sisters in inheritance. Again, Kauṭilya forbids suicide of every kind and penalizes it by stringent post-mortuary punishments directed against the suicide, and penalties enforceable against those who attempt or those who condone suicide.[53] This prohibition would, there-

52 See *Arthaśāstra* III, 5 to 7. The rules in regard to unequal distribution of property among sons are almost the same as in the older *smṛtis, e.g.*, Baudhāyana II. 2, 3—9; Gautama, XXVIII 5—13; Āpastamba, II, 6, 13; and Vasiṣṭha, XVII, 42—45 and Manu IX., 131. Primogeniture as the rule in regal inheritance is explicity laid down by Kauṭilya (I., 17): अन्यत्रापद ऐश्वर्यं ज्येष्ठभागि तु पूज्यते *i.e.*, except in dangers, sovereignty is commendable only when it descends to the eldest son. Śukra's list of persons eligible for selection as Yuvarāja or heir-apparent indicates that primogeniture was not the rule in his time; *e.g.* II, ll. 28—31:—

कल्पयेत् युवराजार्थं औरसं धर्मपत्निजम् ।
स्वकनिष्ठं पितृव्यं वा अनुजं वा अग्रजसंभवम् ॥
पुत्रं पुत्रीकृतं दत्तं यौवराज्येऽभिषेचयेत् ।
क्रमादभावे दौहित्रं स्वस्रीयं वा नियोजयेत् ॥

According to Manu (IX, 131) only unmarried daughters can inherit their mother's separate property. Kauṭilya (III, 5 and 6) makes no difference in the shares of sisters, whether married or single, in inheriting parental property, but for an unmarried daughter he provides an addition as dowry from the paternal estate.

53 See the following verses at the end of Bk. IV, Ch. 7, of the *Arthaśāstra* :

रज्जुशस्त्रविषैर्वाऽपि कामक्रोधवशेन यः ।
घातयेत् स्वयमात्मानं स्त्री वा पापेन मोहिता ॥
रज्जुना राजमार्गे तां चण्डालेनापकर्षयेत् ।
न श्मशानविधिस्तेषां न संबन्धिक्रियास्तथा ॥

fore, extend to *Sati*, the immolation of widows.[54] Manu will only interdict libations to suicides (V. 89) and apparently go no further. Śukra, on the other hand, distinctly permits *Sati* (IV. IV. 57). Kauṭilya condemns royal addiction to astrology though an astrologer is among his list of Court officers.[55] Manu would only attach impurity to following astrology as a profession, while Śukra believes in it thoroughly, even having passages, whose curious resemblance to similar ones in

बन्धुस्तेषां तु यः कुर्यात् प्रेतकार्यक्रियाविधिम् ।
तद्गतिं स चरेत्पश्चात् स्वजनाद्वा प्रमुच्यते ॥
संवत्सरेण पतति पतितेन समाचरन् ।
याजनाध्यापनाद्यौनात्तै श्चान्योऽपि समाचरन् ॥

The corpse of the suicide is to be dragged through the streets by an outcaste, cremation and funeral rites are to be denied the suicide, and relations who in violation of the law, perform the suicide's funeral rites are liable to punishment and are to be deprived of their rights of sacrificing, teaching and receiving gifts.

Cf. Mahābhārata, Parva III, Ch. 253, verse 2.

आत्मत्यागी हि अधो याति वाच्यतां च अयशस्करीम् ।

54 Nārada, XII, 97, Manu IX, 115, and Parāśara, IV, 28, which refer to the son of a remarried widow (*punarbhū*), show that even in times long after Kauṭilya, *Sati* was not general. Viṣṇu, XXV, 14, Parāśara IV. 30—31, Dakṣa, IV, 18, and Vyāsa, II, 15 which commend *Sati*, are admittedly later than even *Viṣṇusmṛti*, whose mention of the week days shows its being a comparatively late work. (Kane, *Hist. of Dharmaśāstra*, p. 69).

55 Kauṭilya (Bk. V Ch. 3, Prak. 91) provides a salary of *one thousand* for the soothsayer, the reader of omens and the astrologer. The *Bṛhajjātaka* of Varāhamihira (Allahabad edn., 1912, pp. 131—2) refers to an astrological work of Viṣṇugupta, *i.e.*, Kauṭilya, while *Bhaṭṭōtpala*, the commentator, quotes verses on astrology ascribed to Cāṇakya, *i.e.* Kauṭilya. The *Mudrārākṣasa* makes skilful use of the tradition that Kauṭilya was himself an adept in astrology.

Varsāhamihira's *Bṛhatsamhita* (about A.D. 505) would call for explanation.[56] Lastly, Kauṭilya believes in the immunities of Brahmans in several matters,[57] frees them generally from corporal punishment, only providing that they be branded, or imprisoned in cases of *serious* crime, exempts their property from escheat and from forced contributions, and even provides for their receiving substantial largesses from the King, in cases where an innocent man has been punished. In these, he is like Manu, though he does not go to the lengths to which

56 Compare *Śukranīti*, IV, 4, ll. 91—146 and IV, 7, with *Bṛhatsamhita*, Ch. 29, 55, 56, 58, 66 and 67.

57 (*a*) *Arthaśāstra*, IV, 8 :

सर्वापराधेषु अपीडनीयो ब्राह्मणः ।
तस्याभिशस्ताङ्को ललाटे स्यात् व्यवहारपतनाय ।
ब्राह्मणं पापकर्माणं उद्घुष्याङ्ककृतव्रणम् ।
कुर्यान्निर्विषयं राजा वासयेदाकरेषु वा ॥

(*b*) *Ibid.*, III, 5:

अदायादकं राजा हरेत् स्त्रीवृत्तिप्रेतकार्यवर्जम् ;
अन्यत्र श्रोत्रियद्रव्यात् ; तत् त्रैविद्येभ्यः प्रयच्छेत्

(c) *Ibid.* V. 2:

अरण्यजातं श्रोत्रियस्वं च परिहरेत्

(*d*) *Ibid.* IV, 13:

अदण्ड्यदण्डने राज्ञो दण्डस्त्रिंशद्गुणोऽम्भसि ।
वरुणाय प्रदातव्यो ब्राह्मणेभ्यः ततः परम् ॥

Manu, VIII., 379—381; IX, 229, 240—2.

(*e*) *Arthaśāstra*, IV., 11:

ब्राह्मणं तमपः प्रवेशयेत् ।

(*f*) *Manu*, III, 13—19 and 155.

(*g*) *Manu*, VIII. 339, X. 81—94, 101—114, 116—117, XI. 11—23.

Manu would proceed in giving such privileges and immunities. But, Kauṭilya would apparently not exempt even Brahmans from the law against suicide, while, in cases of their committing treason, he would have them drowned, and he would also allow Brahmans to be killed in the battlefield or in self-defence. He would allow Brahmans to marry below their caste, and to enter the army as soldiers. Manu would interdict both, and restrict the number of professions open to Brahmans *even in times of distress.* Śukra would appear to follow Manu in these respects.

Such examples of resemblances and differences of views may be multiplied. They would tend to show that, as regards date of composition, so far as it may be judged from their subject matter, the *Mānavadharma Śāstra, in its present form,* belongs to a much later age than the *Arthaśāstra* and stands between it and *Śukranītisāra.*

and Yājñavalkya.

The same may be said of the chronological position of Manu in regard to Kauṭilya and Yājñavalkya,[58] since the law-book of the latter

58 The Appendix to Dr. J. Jolly's *Dharmaśāstra und Arthaśāstra* (Z.D.M.G., 1913, pp. 43—96), exhibits in parallel columns similar passages in the *Arthaśāstra* and the Smṛtis of Gautama, Baudhāyana, Āpastamba, Nārada, Bṛhaspati, Kātyāyanā, Parāśara, Vyāsa, Devala and Vṛddha-Manu (*ibid.*, pp. 51, 90). Over two hundred passages from the *Arthaśāstra* (Books III to V, pp. 147—234) are cited in this statement.

The parallels from Yājñavalkya are not only more numerous than those from any other *single Dharmaśāstra* (over eighty as against, for instance, about fifty each from Manu and Nārada and only a score from Viṣṇu), but they also present in many cases closer affinities in phraseology and point of view. The significance of this feature has been indicated in the Lecture.

shows unmistakable signs of belonging to a period *long subsequent* to that in which the extant recension of Manu was made. The important point in regard to the relations of the treatise of Kauṭilya

That Manu and Nārada should, after Yājñavalkya, present the greatest number of parallels to the views of Kauṭilya is also quite explicable.

For, as Buehler (*Laws of Manu*, 1886, pp. liv.–lvii.) has pointed out, the Smṛti of Manu (1) is a text-book, (2) is more systematic and comprehensive in character than any *Dharma-sūtra*, (3) is free from sectarian bias, (4) claims (on account of its comprehensive nature and the tradition regarding the omniscience of its reputed author) the allegiance of all Hindus, and to form an integral part of the necessary studies of *all* Aryas, and (5) has attained its great influence through 'the myths which, since very early times have clustered round the name of Manu, and in progress of time have been more and more developed and brought into a system.' A Smṛti with such wide claims might naturally be expected to show leanings to secular views like those in the *Arthaśāstra*.

In the case of Nārada, numerousness of the similarities is even more easily explained, for 'it is the only work of its kind, in which Civil Law is treated by itself without any admixture of rules relating to rites of worship, penances and other religious matters.' (Jolly, *History of Hindu Law*, 1885, p. 49.)

Points in Yājñavalkya *Smṛti* making it necessary to ascribe a late date to its composition are: (1) its reference to Buddhists, (2) its advocacy of astrology of an elaborate character, (3) its commendation of the worship of Gaṇapati and the planets, (4) its condemnation of Kāyasthas, (5) its comprehensive scope and literary finish, and (6) above all, the fact that considerable parts of it are traceable to Sūtra works like the *Mānavagṛhya Sūtra* and *Viṣṇu Smṛti*.

Dr. Gaṇapati Śāstri (pp. 5—9 in the Introduction to his edn. of the *Arthaśāstra*) has contended (1923) that Yājñavalkyasmṛti is ages older than the Arthaśāstra on the ground that Kauṭilya refers III. 7:

क्षत्रियात् सूतः। पौराणिकस्त्वन्यस्सूतो मागधश्च ब्रह्मक्षत्रात् विशेषतः

to the Purāṇic legend of the ancient sage *Sūta*, the epic contemporary of Vaiśampāyana, the teacher of the sage Yājñavalkya. This argument fails, as it assumes the identity of the jurist *Yājñavalkya* with the Vedic sage of the name.

and *Yājñavalkya-smṛti* is not so much their relative chronological position as the remarkable parallelism, often amounting to identity, between their pronouncements in criminal and even in civil law. The learned pandits who have respectively introduced the recent editions of the *Arthaśāstra*, and the four commentaries on Yājñavalkya (viz., *Mitākṣara, Bālakrīḍā, Bālambhaṭṭi* and *Subōdhini*) have already brought to light several instances of this feature, and I have observed some more. These passages appear to show *first*, that Yājñavalkya was the follower and Kauṭilya the model, *second*, that occasionally the meaning or the significance of the original was also perhaps not quite clear to the later writer, and *thirdly* that there *were* strong grounds for the *Yājñavalkya-smṛti* borrowing from Kauṭilya's *Arthaśāstra* rather than from the *smṛti* literature current in his time. It is submitted that the motive for this imitation or borrowing was the eminently practical nature of the *Arthaśāstra*—the feature which one would naturally look for in a work claiming to be by the most practical-minded political theorist of Ancient India. In the centuries immediately preceding and following the Christian era, the troubled conditions of India should have made the claims and teaching of the *canonical* law-books harmonize far less with actual conditions than the precepts of *secular Arthaśāstras*. The remarkable extension of the inflence of Yājñavalkya's law-book all over India, resulting in its becoming almost the final authority on law for most parts of India, may itself be due to its reflecting the usage and the tendencies of the times. If this hypothesis of the obligation of

Yājñavalkya to Kauṭilya is justified, we shall have another unique proof of the enduring influence of a political theorist on the history of his country. It is certain that in the eleventh century, when Vijñāneśvara wrote the *Mitākṣara* on Yājñavalkya, the teachings of the smṛti largely coincided with the practice of the people, for he declares pointedly—'The texts in this section are mostly recitals of what actually prevails among the people'.[59] The same view is taken by the digest writers of later times, Bhaṭṭa Nīlakaṇṭha comparing (in the *Vyavahāra Mayūkha*) civil law to grammar, on account of both being based on usage, and Mitra Miśra repeating the statement.

Authenticity of the Kauṭilya.

The last question for consideration, under this head is the authenticity of the *Arthaśāstra*. That is to say, granting the tradition in regard to the personality of Kauṭilya and his work to be substantially true, we have yet to see how far the *substance* of the *Arthaśāstra* justifies its attribution to such a man (of the fourth century B. C.) as Kauṭilya is believed to have been. The settlement of this issue will have an importance in a historical study of our institutions that cannot possibly be overrated. For, we have already seen reasons for taking the *Arthaśāstra* to be the production of a single author, who should have lived *long before* the existing

59 *Mitākṣara* on Yājñavalkya, II, 118, 119:

लोकसिद्धस्यैवानुवादकान्येव प्रायेण अस्मिन् प्रकरणे वचनानि ।

Mitra Miśra has the following passages on the same subject in pp. 18—19 of the *Viramitrodaya* (Edited by Golapcandra Sirkar, 1879).

तथाच नयविवेके भवनाथः । लोकसिद्धं चार्जनं जन्मादि अत एव अनिन्द्यं प्रथमश्लोकधीविषयव्यवस्थितं ; तन्निबन्धनार्थाः स्मृतिव्याकरणादि स्मृतिवत्

version of the laws of Manu was composed. If a further examination of the contents of the *Arthaśāstra* tends to establish its authenticity, the evidence already collected in favour of its antiquity and homogeneity will go far to ripen presumption into proof—and to enable the work to be attributed to the *traditional* Kauṭilya. And, the settlement of the question of date and authenticity[60] in the case of so unique a work is bound to exercise some influence on the nature and direction of all future studies in the history of ancient Indian culture and life.

The evidence:

To proceed with the evidence : We may, for convenience, classify it under six heads, as the data refer to religious, political, historical, literary, philological or astronomical matters, and take them up for consideration one after the other.

To begin with the data relating to religious conditions : We have first of all Kauṭilya's undeniable superstition and sacerdotal leanings.

Religious ;

If his rule regarding the distribution of sacrificial wages[61] be merely for the convenience of people in an epoch when such disputes might often arise, the same cannot be said of his prescription of a specially heavy fee of 1,000 *paṇas* for the royal charioteer, when the king performs the *Rājasūya* and other rare sacrifices.[62] This statement, combined with the Brahmanical curriculum, he provides for the education of princes (who are

60 V. R. Ramachandra Dikshitar *Mauryan Polity*, Ch. I. sec. II and Appendices I and II.

61 *Arthaśāstra* III, 17.

62 *Ibid.* V, 3.

to learn the three-fold Veda and its adjuncts, among other things)[63] would show that the ruler (*Narendra*), for whose guidance he expressly composed his work, was a follower of the Brahmanic religion. Kauṭilya, who warns princes not to indulge in astrology, is a firm believer in the Brahmanic theory of the universe. He states that the prevalence of *pratilōma* or improper unions between the sexes is the result of regal neglect of sacred precepts or virtue (*dharma*).[64] He believes in and repeats the well-known story (that we have in the *Mahābhārata*) of the social compact between the first king, Manu, and the race of man.[65] He believes in the potency of spells, the power of goblins and evil spirits, the efficacy of incantations and witchcraft, and even goes to the length of providing a series of spells to be used on special occasions.[66] While classifying the

63 The 3 R's. are to be learnt before the investiture of the sacred thread. Vedic and philosophical studies, including some study of the Six Vedāṅgas, i.c., *Śikṣā* (phonetics), Kalpa (ceremonial rules). *Vyākaraṇa* (Grammar) *Nirukta* (Exegetics), *Chandas* (metrics), *Anvīkṣikī* is taken by Kauṭilya to include only *Sāṅkhya*, *Yoga* and *Lokāyata* and not in the more general sense of Philosophy, which Kāmandaka (II. ii) would assign to it. Somadeva would appear to include Logic, and Ethics along with Metaphysics, under Ānvikṣiki; and Śukra (I, line 305) includes both Logic and Vedānta under it. The prince has also to learn under Government Officers of position, the subjects of *Vārtā* (*i.e.*, commerce, agriculture and cattle-raising) and Daṇḍanīti under those expert both in its theory and practice. After his 16th year he has to learn all that appertains to the possession of arms, and to become conversant with secular history, traditions, Dharmaśāstra and Arthaśāstra.

Somadeva adds to the regal curriculum Instrumental Music (both ordinary and martial), the knowledge of precious stone (*Ratnaparīkṣā*) and Erotics (*Kāmaśāstra*).

64 *Ibid.* III, 7.

65 *Ibid.* I, 13; compare also *Mahābhārata*, *Śāntiparva*, Ch. 59.

66 *Ibid.* IV, 3, 4; XIII, 32, etc.

recipients of State pensions and salaries,[67] he places the three spiritual guides, of the Brahmanic caste, viz., the Priest (*Ṛtvik*), the Preceptor (*ācārya*) and the Chaplain (*Purōhita*), in the highest class, along with the Queen-mother, the Queen-consort, the Heir-apparent, the Prime Minister and the Commander-in-Chief. Among the gods he mentions as worshipped in his time, there are none, with the exception of Śiva, Brahmā and Senāpati, of the popular deities of a later epoch. They are either old Vedic gods (Indra, Varuṇa, Agni, Yama, the Aśvins, Vaiśravana), the epic Digpālakas or the forgotten popular deities Aparājita, Apratihata, Jayanta, and Vaijayanta. *There is no direct reference to Buddhism or Jainism*[68] anywhere

67 *Arthaśāstra* V. 3., gives an elaborate civil list which is interesting for the light it throws on the relative values attached to the work of various functionaries in an elaborate administration, such as he idealised or was possibly describing from actual conditions.

Pensions and special consideration are to be given and shown to the children and wives of those who die on duty and to their dependants and to public servants in cases of sickness, funerals and child-birth.

68 The sentence in *Arthaśāstra* III, 20,

जीवकादीन् वृषलप्रव्रजितान् देवपितृकार्येषु भोजयतः शत्योदण्डः,

appears in the Munich. MS. with the variant शाक्याजीवकादीन् which Dr. Jolly (p. Vol. I, p. 117) adopts and regards (Vol. I. p. 41) as clearly referring to Buddhists. This is by no means established. *Jīvaka* means a mendicant, Hindu, Buddhist or Jain, and may even mean an usurer or a snake-catcher, *Pravrajita* means an exile or an ascetic, and *Vṛṣala* an outcaste, sinner or *Śūdra*. *Ajīvaka*, if the Munich reading be accepted, should be taken to refer to the sect of the name, which existed from the time of the Buddha (*See* Rhys Davids—*Dialogues of the Buddha*, 1889, p. 71) and was influential in the Mauryan epoch. *Śākya* can only refer to the Buddha or his family or his clan, and cannot, as translated by Dr. Shama Śāstri, mean Buddhists. The prefixing of this word to *Jīvaka* or *Ajīvaka* is therefore an evident later interpolation. The purpose of

in the work, and the prohibition of suicide[69] (including religious suicide) is decidedly anti-Jain, as the provision of State slaughter-houses and schemes of Vedic sacrifices would be also anti-Buddhist. The terms Caitya[70] and Stūpa do indeed occur, but only in the original sense of altars, mounds or crematoria, haunted by evil spirits and bad characters, and not in the sense of places of Buddhist worship. He mentions shavelings (*muṇḍa*), those of the matted hair (*Jaṭila*), heretics (*Pāṣaṇḍa*), female ascetics and mendicants

Kauṭilya's injunction is clear. It is a merit to feed ascetics in *śrāddhas*. But, if the ascetic is a professional (*jīvāka*, in Dr. Shama Śāstri's text) or a heretic (*Ajīvaka*), and a śūdra or outcaste ascetic, there is no such merit; and one who feeds them in a *śrāddha* should be fined. My interpretation is in accord with the similar injunction in *Yājñavalkya-smṛti* II, 235.

. In the absence of the conjunction जीवकादीन् should be taken as qualifying वृषलप्रव्रजितान् Even with the Munich reading, this passage cannot be treated as containing a direct reference to Buddhists or Jains. Dr. Shama Śāstri's translation errs against grammar. See also Dikshitar's article on the *Religious Data in the Arthaśāstra* in *Zeitschrift für Indologie und Iranstik.*, Vol. VII, 2 (1929.)

69 The Jains believe religious suicide (*Santharo*) to be a meritorious act. Jain monks and nuns can voluntarily take the vow of *anāśana* (starvation) and fast to death. The suicide of Mahāvira's parents (*Acārānga-Sūtra*, S. B. E. XXII. p. 194) is one of the earliest recorded cases. But ordinary suicide, as contrasted with religious suicide, is treated by Jains as an almost inexpiable sin.

70 *Arthaśāstra* XIII, 2:

सिद्धप्रव्रजितचैत्यस्तूपदैवतप्रतिमानामभीक्ष्णाभिगमनेषु वा भूमिगृह सुरुङ्गागूढभित्तिप्रविष्टाः तीक्ष्णाः परमभिहन्युः ।

Ibid II, 4:

चैत्यपुण्यस्थानवनसेतुबन्धाः कार्याः ।

The word *caitya* occurs in the following other places in the *Arthaśāstra*: II, 35 (twice); III, 10,; V, 2,; XI, 1.; XII, 5,; XIII, 2. (thrice).

(*bhikṣuki*), and (*Parivrājaka*), but these may refer only to unorthodox Brahmanical sectaries and not necessarily to Buddhists or Jains. The prohibition of the castration of animals[71] (which would recall Aśoka's law on the subject to our memory) may be viewed less as due to Buddhist influence than as common humane feeling and practical wisdom. And, in the rule prohibiting people, by stringent penalties, from becoming religious recluses or anchorities till they had made suitable provision for their families,[72] we may either see statesmanship or prejudice against the Buddhists or Jains. However we look at them, the religious data afforded by the work would lead to the conclusion that it is the production of an age in which, to put it mildly, (1) neither Jainism nor Buddhism had *come* to sufficient prominence to be regarded as serious rivals to the existing Brahmanism, and (2) the later *Hinduism* had not yet been evolved.)

Political ; The political data furnished by the *Arthaśāstra* are even more valuable. To begin with, we have a monarchy, as well as a specific statement, which we have no reason to disbelieve, that the work was written for the guidance of 'a king of men'.[73] The elaborate

71 *Arthaśāstra*, III, 10.;

क्षुद्रपशुवृषाणां पुंस्त्वोपघातिनः पूर्वस्साहसदण्डः ।

72 *Arthaśāstra*, II 1:

पुत्रदारमप्रतिविधाय प्रव्रजतः पूर्वस्साहसदण्डः, स्त्रियं च प्रव्राजयतः ।

73 The roundabout expression has perhaps been used in view of the King being other than a *Kṣatriya; See* Nīlakaṇṭa—*Nītimayūkha* (Bombay edn., p. 1): राजशब्दः क्षत्रियमात्रे शक्तो, न राज्ययोगिनि. Mr. Jayaswal thinks that Narendra is another name for Candragupta, See *Indian Antiquary*, 1918, p. 55.

and detailed character of the work, which makes it half encyclopædia, half state-manual, arouses the feeling that Kauṭilya was largely describing what he had personally witnessed, or considered easily realizable in the kingdom and under the conditions in which he lived.[74] The king is practically an autocrat, who is generally inaccessible, showing himself to the people only once in a month or two months, in order to prevent disturbances caused by rumours of his death. He is so removed from common folk that he is to converse with envoys and subjects only through his ministers.[75] He is constantly guarded by troops of women armed with bows, a feature noted of Candragupta Maurya by Megasthenes. During his progresses, staff-bearers are to guard the whole route—which is also a feature noted by Megasthenes. Much importance is attached to high birth, not only in royalty, but even in officers, for it is stated that 'prosperity, and the people follow one of good ancestry'.[76] The position of the ruler is so exalted, that impalement is the punishment appointed even for the man who merely teases the king's animals.[77] But, at the same time, the king lives in an atmosphere of suspicion and treachery, guarding himself even from his family, for, 'princes like crabs have a well known

74 *See* Dr. D. R. Bhandarkar—"Foreign Elements in the Hindu Population," (*Indian Antiquary*, 1911; pp. 7—37.)

75 *Arthaśāstra*, V. 6.

76 *Ibid* VIII. 2:

जात्यं ऐश्वर्यप्रकृतिरनुवर्तते.

77 *Arthaśāstra*, IV, 10:

राजहस्त्यश्वरथानां हिंसकान् स्तेनान् वा शूलानारोहयेयुः ।

trait of eating up their parents',[78] and confiding rulers had come to grief.[79] The royal blood is so sacred that, like the Brahman's it cannot be needlessly shed, and the heaviest punishment for an offending or unruly prince of the blood is only imprisonment.[80]

Council and Cabinet.

The king is to be assisted by a grand council and an inner cabinet of ministers. The rise of a vazirate is expressly provided against by the rule that no absolute authority vests in any minister, and by the existence of an elaborate administrative heirarchy, which is apparently to act as a set-off to the power of a sole minister. The public service is organized in many highly specialized departments, whose routine and functions are detailed with meticulous care, provision being made for a system of counter-checks, periodical audits, and even for yearly administration reports to be presented in the month of *aṣāḍa.*[81] That the public service was costly is evident from the scale of remuneration for officers, which is described, the rates of pay ranging from 48,000 golden *paṇas* for the highest officers to 4,000 *paṇas* for colonels of infantry and commandants

78 *Ibid.* I. 17:

कर्कटकसधर्माणो हि जनकभक्षाः राजपुत्राः ।

79 *Ibid.* Historical or traditional instances are cited in I, 20.

80 *Arthaśāstra.* IX., 3:

महापराधेऽपि पुरोहिते संरोधनमपस्रावणं वा सिद्धिः ; युवराजे संरोधनं निग्रहो वा गुणवत्यन्यस्मिन्सति पुत्रे ।

81 *Ibid.* II, 7:

गाणनिक्यानि आषाढीं आगच्छेयुः ।

of forts, and still lower pay to the lower officers.[82] These features would denote a *large*, opulent and well-organized kingdom. That the State was not primitive, and that it was strong enough to assert itself, is evident from the substitution of sentences of death, mutilation, imprisonment and corporal punishments for the archaic schemes of fines and wehrgilds that we read of in Vedic literature. It is further indicated, perhaps, by the significant rule that 'the king should give only gold and not villages'.[83]

The Military Department.

In the military department much stress is laid on elaborate organization and discipline, the retention of a standing army, and the possession of a strong elephant corps, victory being supposed to incline to the side which is strong in elephants. The last point is very important, since we must recollect the unusually large contingent of elephants assigned to the kingdom of Magadha by Greek writers, as compared with other sections of the army, and we also remember that of all ancient Indian kingdoms that of Magadha alone had apparently this unique feature.

82 *Ibid.* V. 3. The salaries are for the month. This has been demonstrated by Dr. Narendranath Law (*Indian Historical Quarterly*, 1929, p. 783.) Dr. Shama Śāstri is in error in taking the figures as referring to annual salaries. Such high salaries are possible only in a very big State.

83 *Ibid.* V. 3 :

हिरण्यमेव दद्यात् न ग्रामम् ।

cf. also *Śukranīti*, I., ll. 420—421:

न दद्यादङ्गुलमपि भूमेः स्वत्वनिवर्तकम् ।
वृत्त्यर्थं कल्पयेद्वापि यावद्ग्राहस्तु जीवति ॥

Free Aristocracies.

In regard to *forms* of the State, Kauṭilya knows of free aristocracies[84] of a tribal kind, and has a whole section devoted to the means by which their governments may be corrupted and their freedom under-mined—means, which are curiously similar to those by which, as we learn from the Buddhist and Jain canonical writings, the neighbouring kings of Kośala and Maghada overcame the tribal republics of Videha (Tirhut) and of the Nepalese region.[85] And lastly, there is a remarkable passage in which Kauṭilya

84 cf. (a) *Arthaśāstra*, II. 2: हस्तिप्रधानो विजयो राज्ञां, and, VII. II., हस्तिप्रधानो हि परानीकवधः, also II, 2: हस्तिघातिनं हन्युः ।

(b) 'The King of the Palibothri has in his pay a standing army of 60,000 foot soldiers, 30,000 cavalry, and 9,000 elephants'—Pliny..

(c) On Kauṭilya's scheme of military organization generally, *See Arthaśāstra* IX., 1—7, and X., 1—6. It is noteworthy that an Army Medical corps, with nurses, is prescribed:—

चिकित्सकाः शस्त्रयन्त्रागदस्नेहवस्त्रहस्ताः, स्त्रियश्च अन्नपानरक्षिण्य पुरुषाणां उद्धर्षणीयाः पृष्ठतस्तिष्ठेयुः

(d) Kauṭilya considers that the flower of the army consists in strong infantry, and in really good horses and elephants, *e.g.* X., 5:—

दण्डसंपत्सारबलं पुंसां, हस्त्यश्वयोः विशेषः ; कुलं जाति सत्त्वं

85 *Arthaśāstra* XI, 1, on *Sanghavṛttam* mentions two classes of tribal aristocracies. In one of them, the heads of the executive bore the title of *Rājā* (King)—*rāja-śabdopajīvinaḥ*. The chief tribes under this head were the Licchavis, the Vṛjikas, the Mallas, the Madras, the Kukuras, the Kurus, and the Pāncālas. The other class, by implication, had no '*rājās*', and their special character lay in the emphasis of a tribal militia and the pursuit of agriculture and industry (*vārttā-śastrōpa-jīvinaḥ*). Under the second head came the *Kāmbojas, Surāṣṭras, Śreṇts* and *Kṣatriyas*. The last is not a caste, but a tribe of Sindh, known to the Greek writers as *Xathroi*. See Jayaswal—*Hindu Polity* (1928) vol. I, ch. VII.

maintains, as against his own teacher's view, the superiority of routes to the Dakhan over those to the Himalayan districts, *as desirable additions to a king's* possessions, preferring the Dakhan for its diamond and gold mines, pearl and chank fisheries and numerous and opulent marts.[86] It is hard to believe that this is a mere academic discussion, and not an echo of an ancient controversy.

Dakhan, a part of the Mauryan Empire.

If, from the drift of all this evidence, we accept provisionally the hypothesis that Kauṭilya was a contemporary of Candragupta Maurya, the discussion just referred to might help to solve a difficult problem raised by Vincent Smith as to the *time* when the Dakhan became part of the Mauryan empire. We know that the Dakhan and Nepal formed parts of Aśoka's empire, and even of his *inheritance,* for the *only* conquest of his reign was, according to his own statement, that of Kalinga.[87] At no subsequent period could the conquest of these regions have been a hotly debated question of policy, for, except in the times of the Guptas and Harṣa (A. D. 606 to 648), who come too late in history to have the reference in Kauṭilya's work applied to them, no other dynasty or king appears to have made the attempt

86 *Arthaśāstra,* VII. 12:

नेति कौटिल्यः—कंबलाजिनाश्वपण्यवर्जाः
शङ्खवज्रमणिमुक्ताः सुवर्णपण्याश्च प्रभूततरा
दक्षिणापथे । दक्षिणापथेऽपि बहुखनिः सारपण्यः
प्रसिद्धगतिरल्पव्यायामो वा वणिक्पथः श्रेयान् ।

87 A recent view is that Aśoka's conquest of Kalinga was only the suppression of a revolt and not a fresh conquest. *Cf.* Dikshitar., *Mauryan Polity,* pp. 55—57.

to acquire *both*. May we not reasonably conclude, from this passage, that in Kauṭilya's time these annexations had *not* been made, while they had been so made *as a matter of fact before* 273 B. C., when Aśoka became emperor?

As minor points suggesting Kauṭilya's connection with Magadha, or at least a country like it, we may cite the scant importance he attaches to forts (valueless in such great plains), the provision of superintendents of ferries, river-tolls and a navy in his scheme of public administration (as would be natural in a riverain country),[88] his advocacy of great royal hunts, such as are described by Megasthenes as those in which the king of Magadha delighted, and as were abolished by Aśoka,[89] his magnification of floods over fires among calamities,[90] and his description of the kingdom as one of many cities.

Historical; The historical and literary data are also significant. Among the former may be mentioned the fact that the names of kings quoted by Kauṭilya are either found only in the *epics*, or are still unknown to history, like those of Bhojā Dāṇḍakya, Karāla Vaidehaka, and

88 *See* Bk. IV of the *Arthaśāstra* generally.

89 *Arthaśāstra*, VIII. 3. For the chase as a royal amusement, see fragment 27 of Megasthenes. Aśoka's interdiction of the Royal Hunt is contained in Rock, Edict VIII (259 B.C.)

90 See *Arthaśāstra*, VIII, 4:—

अग्न्युदकयोः अग्निपीडनं अप्रतिकार्यं; सर्वदा हि च शक्योपशमनं तार्याबाधकमुक्तं उदकपीडनमित्याचार्याः।

नेति कौटिल्यः—अग्निः ग्रामं अर्धग्रामं वा दहति; उदकवेगस्तु ग्रामशतप्रवाहीति।

Ajabindu the Sauvīra. In spite of his glorification of kingship and royalty, apparently the position of monarch was not oversecure, perhaps, because the monarchy was still young; for Kauṭilya gives elaborate instructions as to the devices by which the king might impose on his subjects, so as to obtain a name for obiquity and omniscience, which would strengthen his hold on the people.[91] Kauṭilya also knows of interregnums,[92] and cases in which kings have lost their lives in popular tumults, as well as of usurpations, abdications and annexations by conquest.[93] The aristocracies

91 *Ibid.* IV. 5.

92 *Ibid.* I. 17 :

कुलस्य वा भवेद्राज्यं कुलसंघो हि दुर्जयः।
अराजव्यसनाबाधः शश्वदावसति क्षितिम् ॥

Mr. Jayaswal (*Hindu Polity*, 1928, I, p. 97 *et. seq.*) takes *arājaka* as an idealistic 'non-ruler' constitution, and urges that the term for 'anarchy' is not '*arājaka*' but '*Matsya-nyāya*.' This is ingenious but opposed to the traditional sense of the term '*Arājaka*', for which *see Vālmīki-Rāmāyaṇa, Ayodhya-Kāṇḍa, Sarga* 67, especially the verses beginning :

इक्ष्वाकूणां इहाद्यैव कश्चिद्राजा विधीयताम् ।
अराजकं हि नो राष्ट्रं न विनाशमवाप्नुयात् ॥
नाराजके जनपदे विद्युन्माली महास्वनः ।
अभिवर्षति पर्जन्यो महीं दिव्येन वारिणा ॥

93 On the anger of subjects as a danger, see *Arthaśāstra* XII. 2; also VIII. 3:—

तान् (व्यसनदोषान्) उपदेक्ष्यामः —" कोपजस्त्रिवर्गः; कामजश्चतुर्वर्गः; तयोः कोपो गरीयान् ; सर्वत्र हि कोपश्चरति ; प्रायशश्च कोपवशा राजानः प्रकृतिकोपैर्हताः श्रूयन्ते । कामवशाः क्षयव्ययनिमित्तमतिव्याधिभिः " इति ।

Ibid. IX, 6:

दण्डो हि महाजने क्षेप्तुमशक्यः ।

or free clans he speaks of are those of the North-West Frontier and Gujarat, (Kāmbhōjas and Surāṣṭras)—near which such organizations appear to have existed in Alexander's days, or those of the Lichchhavis, Vṛjjians, Mallas, Kurus, and Pāñcalas—tribes famous in the early history of Buddhism.[94]

Literary :

Schools of Polity.

In regard to *literary* testimony, the important points are Kauṭilya's hundred scattered references to eighteen previous writers,[95] or schools of Polity. Among them are the famous schools of Manu, Śukra or Uśanas and Bṛhaspati, besides Kautilya's unnamed teacher, always respectfully mentioned in the honorific plural, even when being subjected to scathing criticism, and other writers or heads of schools,[96] (Bharadvāja, Viśālākṣa, Parāśara, Piśuna, Kauṇapadanta, Bāhudantiputra and Vātavyādhi), who are generally enumerated in the same order, suggesting that the earlier names are those of the older authorities. The

(In repressing seditions force is futile against the leaders of the people.)

Ibid. V. 6, refers to usurpation and abdication.

94 For an account of some of these tribes, see B. C. Law, *Some Kṣatriya Tribes of Ancient India*, and *Ancient Mid-Indian Kṣatriya Tribes*, Vol. I. (1924.)

95 For Kauṭilya's predecessors, *see* Appendix I.

96 *Five* Schools are quoted by name, *viz.*, Mānavāh (5 times), Bārhaspatyāh (6 times), Auśanasāh, (7 times), Pārāśarāh (4 times), Ambhīyāh (once). The following are quoted individually: Kātyāyana (1), Kiñjalka (1), Kauṇapadanta (4), Ghōtakamukha (1), Dīrgha-Cārāyaṇa (1), Parāśara (2), Piśuna (6), Piśunaputra (1), Bāhudantīputra (1), Bhāradvāja (7), (once as Kanika-Bhāradvāja), Vātavyādhi (5) and Viśālākṣa (6). There are about forty citations of the views of Kauṭilya's own teacher (ācāryāh). *See* Appendix I. According to the commentator Mādhava-Yajvan, Piśuna, Bhāradvāja, Kauṇapadanta and Vātavyādhi stand for Nārada, Droṇācārya, Bhīṣma, and Uddhava respectively. (ed. Jolly, II, pp. 73, 69, 74, and 91).

treatises of these schools were apparently lost by the time of Kāmandaka, though the opinions of two of them are quoted by Medhātithi, the erudite ninth century commentator on *Manusmṛti.* Further, it is noteworthy that the references to the views of Manu, Bṛhaspati and Śukra are not only *not* always traceable in the existing works bearing their names, but are contrary, at times, to the views actually found in the existing recensions of their works. These facts would, accordingly, necessitate the attribution of a very high antiquity to Kauṭilya's *Arthaśāstra*—and the *sūtra* form in which the work is composed will lend an additional confirmation to this conclusion. The numerous points of difference between Kauṭilya and his predecessors, a few of which are on questions of fundamental importance, while the majority are on points of detail, would indicate an atmosphere of lively academic discussion on points of wordly affairs and administration, recalling to our memory the subtle controversies on ethics and religion, in those epochs of intellectual fermentation that witnessed the composition of the Upaniṣads, and the rise of Jainism and Buddhism. May these political discussions also not show how intensely the Indian mind, in those days, strove after truth and excellence, in *worldly* as much as in spiritual and moral questions, and how, in spite of the depressing effect of the intimate association of religion with science, a continuity of tradition in favour of *independent* thought in political theory was kept up, right down to the time of Kauṭilya?

The discovery of the existence of these eighteen schools of Polity,—and the possibility suggested thereby

of the existence of other and unnamed schools—should assuredly prove a corrective to the prevalent belief of our day in the total absorption of the ancient Indian intellect in metaphysical speculation. May we not also look on it, with some pride, as indicating the presence of extensive schools of political thought and opinion in ancient India, in the days corresponding, and even anterior, to those of Plato and Aristotle, if the remaining data—the philological and the astronomical[97]—do not militate with the conclusion to which all the other evidence has hitherto pointed, namely, the contemporaneousness of Kauṭilya and the founder of the Mauryan dynasty (321 B. C.)?

Dharmaśāstras and Arthaśāstras describe actual conditions.

We have seen how in the vast body of material, out of which we have to reconstruct a picture of the political conditions of ancient India, especially in what are somewhat invidiously described as the *historical* epochs, a very large place has to be assigned to our voluminous literature of *Dharmaśāstras*, and to the comparatively scanty and recently recovered literature of Polity proper. But, even when the importance of these branches of literature to the historian is conceded, we may still have to meet the general disinclination to admit the historicity of their contents. To many, the celebrated dictum of Sir Henry Maine, in regard to the Code of Manu, would seem to apply, with equal force and justice, to every Indian work on law and politics. The Code of Manu wrote Sir Henry Maine, in 1861, (*note the date*) 'does not represent a set of rules *actually* administered. It is in great part an *ideal*

97 See Appendix I (*b*) and (*c*) for these data.

picture of that, which in the view of the *Brahmans, ought* to be the law.'[98] Putting aside the other implications of the verdict, the main proposition, which denies historicity to the subject matter of the Code, can hardly be maintained to-day in regard to the *entire* content of even the *Manusmṛti,* and much less of some of the other *Dharmaśāstras.*

In the *Nītiśāstras,* we have on the other hand an independent body of literature, whose origin, standpoint, outlook and standards differ from those of the canonical law books. A comparison of the passages—and they are very many in number—which disclose an identity of view, precept or statement, in both classes of works, justifies the conclusion that every instance of such general identity may be deemed to be an approximation to fact, to the actual conditions of the times in which these works were composed. For, it is inconceivable that practical men like the writers on *Nītiśāstra,* who based their precepts on *experience* (*vide* Kauṭilya), should have written on the basis of *idealized* rather than actual conditions. To the author of a work of the canonical law, the treatment of civil conditions was adventitious and not obligatory, e. g. Parāśara, and the true standard of right and wrong was furnished by religion. To the author of a *Nītiśāstra* or *Arthaśāstra,* on the other hand, the material and civil condition of the population was the real subject of investigation, and common sense and logic the final and sole tests of validity. It is hardly necessary to enlarge further on this difference between the canonical law-books and the

98 See *Ancient Law* (ed. Pollock), p. 15.

books on polity. It should suffice to say that it is on this ground that a canonical law book would claim to supersede a mere work on polity. '*Dharmaśāstra* is stronger than *Arthaśāstra*,[99] urges *Yājñavalkya*. In the conditions of ancient India, as will be shown in the next lecture, the *Dharmaśāstra* had the task of regulating certain matters of conduct; and hence it is that even Kauṭilya would appear to accept this claim of the *Dharmaśāstra*. Thus, in a striking passage, he says: 'The science of affairs (*Vyāvahārakam śāstram*) has to rest on the canonical law (*dharma*). Hence, where the sense of a text is obscure, it has to be found by reference to the canon (*dharma*). Where, however, whether *within* the body of canonical law or in the science of affairs (*śāstram vipradipadyeta*), there appears to be a conflict of canon and logic, (*nyāya*), logic should prevail, and the text opposed to it lose its validity'.[100]

Apart from the claim to historicity based on identity of statement in *both* classes of works, we have other grounds for the position taken. We have thus to

99 *Yājñavalkya* II. 21:

स्मृत्यो र्विरोधे न्यायस्तु बलवान् व्यवहारतः ।
अर्थशास्त्रात्तु बलवद्धर्मशास्त्रं इति स्थितिः ॥

100 *Arthaśāstra*, III. 1:

संस्थया धर्मशास्त्रेण शास्त्रं वा व्यावहारिकम् ।
यस्मिन्नर्थे विरुध्येत धर्मेणार्थं विनिर्णयेत् ॥
शास्त्रं विप्रतिपद्येत धर्मन्यायेन केनचित् ।
न्यायस्तत्र प्रमाणं स्यात् तत्र पाठो हि नश्यति ॥

See the Note on Conflict of Laws in Appendix II, *infra*.

consider several circumstances. The administration and the enunciation of law rested in the hands of the very class responsible for the *Dharmaśāstras*. This body had all the advantages of forming a learned class, specially dedicated for learning and kindred work. The control of the education of the people—and, what is more important, *of the princes,*—lay in the hands of this very class. The influence and prestige of this body was increased, rather than diminished, after every addition of a foreign element to the Indian population, every such foreign race soon proving anxious to obtain the recognition implied by its admission into the Hindu fold through the co-operation of the members of this class. Its influence waxed rather than waned with the rise of non-Hindu or non-Kṣatriya rulers and dynasties. And, the high-watermark of its power was—paradoxical as it may appear to say so—usually reached *after* a period of foreign immigration, inroad or conquest—as for instance, in the epoch of Gupta supremacy, following the irruption of the Yavanas (Indo-Bactrians and Indo-Parthians), the Śakas, the Kushanas and the Pallavas, and in the Rajput period, after the inroads of the Hūṇas, the Gūrjaras and kindred races. If we recall to our minds similar instances in European history—the insensible transformation of Roman law by the influence of the bar on the bench, to which Sir Henry Maine[101] drew attention, the silent changes effected in English law in the thirteenth century through the agency of 'popish clergymen,' who were trained in the systems of Roman and Canon law,[102] changes which have

101 *Ancient Law*, ch. 2 and 3.

102 Pollock and Maitland—*Hist. of Eng. Law*, I., pp. 12—35 and 132—135.

been described very fully by Maine, Maitland and Vinogradoff, the expansion of Roman law in Mediaeval Europe of which[103] Vinogradoff has now given us a most fascinating picture, and the ecstasy of the barbarian conquerors of the Roman empire, whenever the distant emperor, whose lands they had ravished, chose to address them a few ordinary compliments—instances of which would be familiar to Dr. Hodgkin's readers[104]—we shall, by analogy, be able to realize the transforming influence of Brahmanic law and polity in ancient India. That these inferences are not based entirely on analogy or surmise will also be clear, if we take into further consideration the imposing series of

103 P. Vinogradoff—*Roman Law in Mediaeval Europe* (1909), *passim.*

104 " At the close of sixth century", Dr. Hodgkin notes of Childebert's fourth invasion of Italy, "mighty were a few courteous words from the great Roman Emperor to the barbarian King" (*Italy and her Invaders*, vol. V., p. 267.)

Similar instances in ancient Indian History are easily recollected in the pride, with which the early Imperial Guptas mention their connexion with the Lichchhavis, and in the exaggerated language of praise used by Bāṇa, the courtier of Harṣavardhana, in speaking of the Maukhari princes of Kanauj, into whose family the sister of Harṣavardhana married, e. g.—

" भूभृन्मूर्ध्नि स्थितोपि माहेश्वरःपादन्यास इव सकलभुवननमस्कृतो मौखरो वंशः, "

(*Harṣacarita* ed. Fuhrer, 1909, p. 200).

There could be no comparison in point of strength between the Maukharis and the family of Harṣavardhana, but it is evident, from the suffix *'varman'* appended to the names of the princes of the Maukhari line, that they claimed to be Kṣatriyas, while Harṣavardhana was not a Kṣatriya, but is said to have been a member of the Vaiśya caste (Beale's *Si-yu-ki*, vol. ii, p. 247: and M.L. Ettinghausen's *'Harshavardhana'*, Louvain, 1906, pp. 20—21.)

references in our inscriptions,[105] and in the literature of India and Ceylon,—from the Gupta period down to the threshold of modern times,—in which the rulers of different parts of India, living in different times, often rulers of non-Aryan descent—display keen anxiety to be remembered by posterity as *those who strictly carried out the precepts laid down by Manu, the Dharmaśāstras and the Nītiśāstras.*

The scientific value of a historical deduction must depend primarily and ultimately on the conditions in which it is arrived at. It is on this ground that the investigation of the extent and the character of the sources available for study, forms the first step in historical research. Now-a-days, there is indeed little necessity for the student of history to enlarge on the glories of the comparative method, as the somewhat prosaic conclusion has been reached that science is one, and that the method of history is the same as that of any other social science. These are some of the general considerations on which I would seek to justify the extended discussion of the range, nature, date, and validity of the original authorities that we now possess for the historical study of our old institutions, and especially of my study of our most interesting source. To attempt any historical reconstruction without a preliminary investigation of this kind appears to be, at the present time, both futile and misleading. For want of such inquiry, much unequal work, which 'combines the information' gathered from sources of

105 For epigraphic testimony to the influence of the *Dharmaśāstras*, see Appendix III, *infra*.

different periods, localities and character, has been in evidence, not merely in the periodical literature of the day, but in 'standard works' in which, agreeably to the tendencies of the times, sections, 'neither too long nor too serious', sum up 'the society and manners', of wide epochs. A meritorious book, which represents much valuable work, accepts, for instance, the tradition about the synchronism of Candragupta and Kauṭilya and their relations, *in all their detail*, without making a serious attempt at any enquiry or proof. If, in the light of what has been said in the course of this lecture, it be held that in this daring surmise we have a proof or a vindication of the historian's *instinct*, an unimaginative student of *facts* may still urge that the more the area of such guesses, happy or otherwise, and of easy acceptances of tradition are circumscribed, the happier will the future of research in our ancient history prove. What would such a student of history say to another authority, as eminent as the writer just referred to and still more recent, who warily refers to Kauṭilya's *Arthaśāstra* as 'an early work'—how early he does not say, because he does not attempt to discover it, and who proceeds less cautiously to *combine* the information in the *Arthaśāstra* with that regarding polity given in the didactic chapters of the *Mahābhārata* and in the canonical law-books from Baudhāyana to Nārada, which are separated from each other by an interval of centuries? Is the student to assume an identity of views and outlook among *all* these writers, and also an absence of progress and even movement, both in the world of theory and in the world of facts, during this great stretch of time, in order to validate the historical

averaging, represented by this fashionable tendency to 'combine information'?

The necessity to subject these propositions to scrutiny will appear pressing to any one who has found his pleasure in the study of our institutions and has witnessed the paralysing effect of these assumptions on historical studies in our country. It is, however, impossible to attempt such an examination with any degree of fulness in the course of this lecture. Accordingly, I would restrict my remarks to merely indicating how far the general history of India appears to confirm these hypotheses.

It would, of course, be admitted generally that a *question of survival* is one of fact, verifiable from observation in life or in the records of the past; and that, specifically, in regard to survivals of Indian polity such traces of the ancient form of government and administration, and the old ideals, are to be found even to-day in feudatory India, for example, the States of Central India and Rajaputana.[106] The careful observations of B. H. Hodgson in Nepal, towards the end of the first quarter of the nineteenth century show that, in general and judicial administration, the conditions of Nepal in his day closely approximated to those of pre-Musalman periods of Indian History. We know that such institutions had persisted in the Maratha country also down to its conquest in 1817. It is also now a matter of common historical knowledge that Sivāji merely *revived* the ancient form of the Indian State,

106 See Tod's *Rajasthan*, *passim*; Sir J. Malcolm's *Central India* ch. 12 and 13; and B. H. Hodgson—'*System of Law in Nepal*', *J.R.A.S.*, old series, I, pp. 45—57 and 258—280.

on his coronation in 1676.[107] A comparison between the nomenclature and functions of the members who formed his council of eight ministers (*Aṣṭapradhān*) and the list of his state departments, as given in Sabhāsad's *contemporary* account, with those of the royal council in our books, would reveal how closely the system of Sivāji followed those recommended in *Manusmṛti* and *Śukranītisāra.* The reception of his measures, and their persistence, in several features, for nearly a century and a half may show that he could not have been much of an innovator, and far less a revolutionary in political matters.

We have, further, to remember in this context that at *no* period of Indian History, since the introduction of Islam into India, has India *not* had some considerable tracts free of foreign rule, where the ancient ideals and institutions could survive.

Going further back in our history, the numerous records of the 'dark ages', when neo- Hindu and Rajput dynasties struggled for supremacy with one another, and towards the end of which the Musalman invasions commenced, would tend to show that the Rajput ideal aimed at the revival not merely of the *epic* spirit but also, as far as was feasible, of the *epic* institutions of government. The invaluable testimony of the *Rajatarangini* of Kalhaṇa,[108] the historical value of which

107 Krishnāji Anant Sabhāsad's *Śiva-chhatrapati Carita* (composed about A. D. 1700) has been translated by Mr. Surendranath Sen. See the latter's *Administrative System of the Marathas,* (Calcutta University) *passim* and the references cited therein.

108 See Appendix VII *infra* for a Note on the *Rājatarangini* and the Chamba inscriptions.

is admitted for the ninth, tenth, eleventh and twelfth centuries A. D., as well as of the recently collected inscriptions, of the Himalayan State of Chamba,[109] (whose publication we owe to the enlightened patriotism of its able ruler H. H. the Raja Bhūri Singh and to the historical zeal of Dr. J. Ph. Vogel), proves that, as in Nepal, the sheltered backwaters of life in Kashmir and Chamba largely escaped the destructive cyclonic violence of the early Muhammadan conquests. Should we go further back in our history, we come to the Silver Age of Harṣavardhana, in which attempts were still made as strenuously to live up to the ancient ideals of the canonical books and the precepts of the *Nītiśāstras,* as in the Golden Age of Hinduism, which dawned with the rise of the imperial Gupta dynasty. (Sir Rāmakrishna Bhandarkar has taught us that the Gupta period saw the wholesale revision and adaptation of Brahmanical literature in order to suit the altered conditions of the day and the militant character of the neo-Brahmanism or Hinduism.) We have already seen that the influence of the *Dharmaśāstras* and the *Arthaśāstras* remained unspent in this epoch, and that the composition of the *Nītisāras* of Kāmandaka and Śukra is proof of this residual strength. These are the kind of facts which would show that at no period of our history has the influence of our ancient polity been quite moribund and that its persistence is one of the surest witnesses to the unity of Indian history.

109 *See* his 'A Peep into the Early History of India from the Foundation of the Maurya Dynasty to the Downfall of the Imperial Gupta Dynasty' (322, B.C. *circa* A.D. 509), (1900), especially the closing sections.

I shall now end this lecture with an examination of the allied conception of the mental stagnancy of India. On this too the verdict of the history of our country and of our literature seems clear enough. Taking the word progress, in a non-ethical and purely scientific sense, we may assert, on the strength of the evidence we have already had, that there was *continual* progress in political conceptions down to the time of Kauṭilya. Students of pre-Mauryan history, and of the early Jain and Buddhist works, would also find that the progress of events in those days corresponded to the movement in political theory. After the days of Kauṭilya the conditions were, in a sense, unfavourable to the advance of political speculation. The extraordinary thoroughness of Kauṭilya's work, its eminent inductiveness and practical character, its unflinching logic and heedlessness of adventitious moral or religious standards, and its wide range of subjects and interests—which give it a unique combination of features that, in European literature, we find only separately in an Aristotle, a Machiavelli and a Bacon—must have co-operated with the rise of a well-knit empire of unprecedented dimensions, under the Mauryan and succeeding dynasties, to depress creative political thought in the centuries after Kauṭilya. Nevertheless, it was impossible that such independence of political thought should die out altogether; for, the rivalry, if not the conflict, of two almost equally matched religions, which followed close on the heels of the political consolidation of the greater part of India, towards the end of the fourth century B.C., and Kauṭilya's daring attempt to treat of politics, as far as feasible, by itself

and independently of religion and revelation, combined to enfranchise politics from religion. Another influence also worked in the direction of stimulating activity of political speculation. This was the working of the axiom of the common law of the time that it was the duty of the State and of the statesman to enforce every local, tribal, caste, communal or corporation usage or custom, that could be proved to be genuine, and to be not inconsistent with the interests or the mandates of the State. The frequent references that we have in *Arthaśāstra* from Kauṭilya down and in allied works to local communities and corporate bodies and the preoccupation of the authors of these works with problems and institutions,[110] which in the language of our day

110 On usage and custom as law, *see*, for instance :
Arthaśāstra III, 7 :

देशस्य जात्या सङ्घस्य धर्मो ग्रामस्य वाऽपि यः ।
उचितस्स्यात् सतेनैव दायधर्मं प्रकल्पयेत् ॥

Gautama, XI 21, 22.—

तस्य च व्यवहारो वेदो धर्मशास्त्राण्यङ्गान्युपवेदाः पुराणम् ॥
देशजातिकुलधर्माश्चाम्नायैरविरुद्धाः प्रमाणम् ॥

Also, Āpastamba, II, 15-1; Baudhāyana I, 2—12; Vasiṣṭha, I. 17; Yājñavalkya I-7, I-340—343, 360, 361; II-5 and 186.

Yājñavalkya I-7:—

वेदः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः ।
सम्यक्सङ्कल्पजः कामः धर्ममूलमिदं स्मृतम् ॥

Manu, II, 12, 18,—

वेदः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः ।
एतच्चतुर्विधं प्राहुः साक्षाद् धर्मस्य लक्षणम् ॥
यस्मिन् देशे य आचारः पारंपर्यक्रमागतः ।
वर्णानां सान्तरालानां स सदाचार उच्यते ॥

Also, *Manu* VII-203; VIII-41, 42, 46.

would be those of the *central* as contrasted with the *local* government, should justify the conclusion that there was probably as much scope for development of political views, on account of the presence of this variety in uniformity, as the similar conditions of our ancient private law furnished for its *continuous* evolution and elaboration, down to our own times. Further, would not the way be smoothed for innovation, by interpretation, in the early assumptions, which had force as much in our polity as in private law, that law and equity, and the state and justice were convertible terms, and that the source of political, as of legal inspiration, was the entire body of our literature—Veda, Itihāsa, etc., and not merely a part thereof? What rule of law or what conclusion of political theory could not be condemned or justified by this test, as it seemed to an author, inequitable and impracticable, or otherwise? How valuable the opening thus afforded proved to the noiseless entry of new views or precepts in polity will be evident, if one tabulates the striking *differences* in opinion between the earlier and later writers on 'law'—and between Kauṭilya, and later writers like Kāmandaka, the author of *Śukranītisāra* and Somadeva—especially in such matters as those relating to the composition and constitutional position of the king's council, the immunities, special privileges or claims to preferences and the disabilities of the different castes, the proportion of the yield to be taken as the land-tax, the selection of the form and the rates of indirect and direct taxes, the proportion of the different elements of the army, the organization of the forces, tactics, the rules of war and international relations, the treatment

of members of the royal family, the curricula of studies for princes, and the number, functions and relative precedence of the ministers of State and of the royal household. If the information on these heads in our books of law and politics are tabulated, then compared with such stray information as may be culled from our inscriptions, and the whole be finally classified by author, period and area of prevalence, the evidence so collected and arranged—which, without going to this degree of elaboration, I have yet had before me in some degree, will go very far indeed to correct the prevalent notion of the unprogressive—in a non-ethical sense—character of our ancient institutions and political theory. The reduction of this current belief will long form a vital condition of a successful, historical study of Ancient Indian Polity.

II

It is nearly five years since one of the foremost living historians, speaking on an occasion like the present at Cambridge, deplored that 'the forms of Government which are commonly classed as absolute monarchies have not received the same attention or been so carefully analysed as republics and constitutional monarchies,' and justified on that ground his selection of the constitution of the later Roman Empire as the theme of his discourse.[111]

On somewhat similar grounds, I would urge an analytical study of the theory and *general* form, aim and consequences of our ancient schemes of Government, and devote some time this evening for part of such a consideration. It would be specially necessary to study the polity of the period of the great empires, when, externally at least, the constitution approximated to the popular conception of a despotism;[112] for, the deceptive appearance of simplicity of a 'despotic' form of Government—in which the entire authority is vested in the hands of a single person—is usually provocative of indifference in students of politics.

111 *See* J. B. Bury, *Constitution of the later Roman Empire*, 1910, p. 1.

112 I use the word 'despotism' instead of 'absolute monarchy' in the sense assigned to the latter by Bury, whose definition of 'absolute monarchy' differs somewhat from Sidgwick's (*Development of European polity*, p. 10). For the older view of 'despotism' as implying the Sovereign rule of one person *see* Cornewall-Lewis—*Use and Abuse of Political Terms*, ed T. Raleigh, 1898, p. 147.

The subject of our ancient constitutions has indeed attracted much attention in recent years, as the numerous contributions about them made by several enthusiastic students to our periodical literature would show. But these studies differ so materially in their pictures and their interpretation of our old polity and their conclusions regarding its nature, that it could hardly be urged that their abundance leaves little scope for any further study.[113]

Thus, when we are told by one writer that 'the form of Government in Ancient India was *popular* and *not despotic,*' by another that 'the *primitive* Indo-Aryan constitution was a *democracy,*' and are assured by a third that 'the form of Government in Ancient India was always some form of *limited monarchy,*[114] we are apt to be a little bewildered by the array of half-truths and arbitrary generalizations, and to feel that the pointed form of such pronouncements must owe somewhat more to one-sided views of the subject than, perhaps, to hazy notions of what is implied by 'despotism', 'popular Government', 'limited monarchy' and 'democracy'.

The popular conception of Oriental Despotism.

Our sense of bewilderment is not likely to be lessened if, side by side, with these statements we consider the equally confident assertions of the *classical*

113 Mr. K. P. Jayaswal's comprehensive review of ancient Indian Constitutions in his '*Hindu Polity*' (1924) must now be mentioned as an outstanding exception.

114 For the views quoted, see *Modern Review*, January 1910, p. 70 (Mr. Dvijadâs Datta), *ibid.*, vol. II. p. 38 and p. 350, and vol. III. p. 339 (Mr. Abinash Chandra Das), and *The Christian College Magazine*, 1894, p. 92.

school of Political Science on the Eastern State, views which we can collect quite easily from the published writings of Sir Henry Maine, and of which the following summary by T. H. Green may be taken as a fair sample:—[115]

'The great empires of the East were, in the main, '*tax collecting institutions*. They exercised *coercive* 'force on their subjects of the most *violent* kind, for 'certain purposes, and at *certain times*, but they do *not* '*impose laws* as distinct from particular and occasional 'commands. *Nor do they judicially administer and* '*enforce customary law.* In a certain sense the subjects 'render them habitual obedience, that is they habitually 'submit when the agents of the empire descend on them 'for taxes and recruits, but in the general tenor of their 'lives their actions and forbearances are regulated by 'authorities with which the empire *never* interferes, 'with which it probably *could* not interfere without des- 'troying itself. These authorities can scarcely be said 'to reside in any determinate person or persons, but so 'far as they do, they reside mixedly in priests as expo- 'nents of customary religion, in heads of families acting 'within the family, and in some village councils acting 'beyond the limits of the family.'

We may pass over the obvious inconsistency underlying the above description—which is only Maine's picture of the ancient empires of Persia and Mesopotamia touched up by Green so as to *fit* the assumed

115 See *Lectures on the Principles of Political Obligation*, ed, Bosanquet, 1901, pp. 99—102.
The *italics* are mine.

conditions of Ancient India—the contradiction implied in characterizing such a state as a despotism, i.e., an absolutism—which when of the genuine type is a form of government in which all the powers *must* be vested in the hands of the Ruler, there being *no other concurrent and independent authority,* habitually obeyed by the people as much as he is obeyed, and which could lawfully resist him or call him to account. But, we have still to enquire how far it would be just to attribute to our ancient polity—as it stood, for instance, in the days following the accession of the Mauryan dynasty the *inorganic* character of a capricious, tax-collecting government, indifferent to the task of legislation and to the administration of justice, and intent only on being implicitly obeyed, whenever it chose to intervene with violence in the affairs of its subjects.

These and some kindred matters I shall now proceed to consider.

Essential elements of the State-*Saptāṅga.*

In the most representative political thought of ancient India there is complete agreement on two matters—*viz.,* on the idea of what constitute the essential elements of a State, and on the natural necessity for the State. In regard to the former, it is usual for our political writers to group the characteristic features as seven, under the heads of Sovereign, Minister, People, Fort, Treasure, Army and Allies.[116] These,

116 *Arthaśāstra,* VI, 1:

स्वाम्यमात्यजनपददुर्गकोशदण्डमित्राणि प्रकृतयः ।

See also Kāmandaka—*Nītisāra,* I., 16, IV, 1., etc., *Śukranītisāra,* I., ll. 121—2; *Viṣṇu,* III., 33. The *Saptāṅga* is discussed in all Nītiśāstras from Kauṭilya's Arthaśāstra to King Bhōja's *Yuktikalpataru* (ed. N. Law and Isvaracandra Śastri, 1918).

put into general terms, would give as the characteristics of the State: (1) unity, as represented by a common ruler, (2) a settled administration, as indicated by the existence of ministers, (3) a definite system of revenue, forming the source of the treasure, (4) an army, representing the strength, (5) a settled territory, occupied and held in adverse possession against the world, by means of (6) forts, and (7) independence of external control, as signified in the power to enter into alliances and the freedom to make war and peace. Such essentials of State-being are realized by Kauṭilya, as well as by Manu, Śukra and Kāmandaka, and it is significant that they appear to be the features of the polities of the epochs subsequent to the invasion of Alexander the Great.[117] The *superiority* in the scientific character of this conception of the State to that of the contemporary Greek view will be apparent, not merely by a comparison between them, which would serve to bring out the more modern trend of the former, but it will be enforced by the suggestion we have of these features having been inductively arrived at, in the time of Kauṭilya. The interesting discussion in the *Arthaśāstra*[118] on the order of preference among these seven characteristics would not only be an indication of the possibility of conceiving of more or less complete types of polity in which one or other of these essentials

117 Compare, for instance, the teachings of Kauṭilya on the nature and end of the State with the Greek views on the subject, as expounded in W. L. Newman's classical Introduction (i.e. vol. i) to his edition of Aristotle's *Politics* (1887). Note specially his observations, on p. 50, p. 66, p. 83, p. 90, p. 251, p. 259, pp. 313—8, pp. 454—7 and p. 549.

118 Bk. VI, ch. 1.

may be absent (e.g., settled territory as in the Vedic State, international position as in the Vassal State), but also of the features of the epochs in which they were conceived. Among such features we may reckon the ceaseless internecine strife, which rendered foreign conquest easier than it otherwise might have been; bad finance and oppressive taxation, leading to disorganization and insolvency; external enemies, necessitating defensive tactics and resort to expensive fortifications; and capricious and irresponsible personal rule, as inefficient as it was unpopular, making the growth of a civil service an object of widely-felt desire. We know that these *were* some of the conditions that actually prevailed in North India during the period intervening between the conquests of Darius and Alexander.[119] It is open to suggest that, it was from the consideration of these troubles and difficulties that the conceptions of relative importance and interdependance of these elements of the State were evolved. However it arose, it is clear that a State of the type described in these definitions, with a history of internal growth behind it, with fully developed organs and functions, responsive to its environment, can with little justification be classed as inorganic.

Implications of this concept.

Some *implications* of this attempt to define the State should also be borne in mind. The first is that *unity* is the inseparable feature of the State, and has to

119 It is instructive to compare the elaborate administrative system of the Persian Empire under Darius the Great with the machinery sketched out by Kauṭilya. See for the former Max Duncker, *History of Antiquity*, vol. vi, pp. 316—397 (translation., Abbott, 1882).

be preserved at all costs. The second, naturally following the first, is that the normal form of Government is *Monarchy.* The third is that the *administration* is highly *specialized.* The fourth is that the State rests on a *territorial* basis. The fifth is that it imagines *small states,* and the last is that it is founded on a weak international law.

It is evident that except the fifth feature every other was to be found in the Mauryan empire, which grew up by the absorption of many smaller states. But, though the imperial tradition persisted as a great ideal in later ages, even after the fall of the Mauryan empire, and was strengthened by the myths of the epics referring to heroic *Sārvabhaumas, Samrāṭs* and *Cakravartins,* and the stories of ancient universal conquests or *digvijayas* precedent to such sacrifices as *Mahā-abhiṣeka* and *Rājasūya* and *Aśvamedha*[120] yet, at no time was a complete unification of India accomplished before the days of the British conquest, and the normal type of state long continued to be the small state, whose safety

120 On the topics referred to, see Rajendra Lāl Mitra's *Indo-Aryans,* vol. ii (1881), pp. 1—48 ('An Imperial Coronation in Ancient India'). The *Aitareya Brāhmaṇa* (ed. Haug, 1863), after describing the ritual of the *Mahābhiṣeka,* gives a list of ten kings who had been inaugurated by that rite, with the names of the priests who officiated at the ceremonies. For the procedure and ceremonial at coronations, etc., see the *Kauśika-sūtra* of the *Atharva Veda,* edited in 1890 by M. Bloomfield, for the American Oriental Society as vol. XVI of its Journal; and especially, *ibid.,* XVII, 11—34 and XVII, 1—10 and XVI, 27—32.

Śukra (ed. Oppert, pp. 16—17) makes an elaborate classification of kings under seven heads according to their estimated revenue. His grades are: Māṇḍalika, Rājā, Mahārāja, Svarāt, Samrāt, Virāt, and Sārvabhauma. It is possible to conjecture the approximate area of territory that Śukra would have deemed as the qualification for each of these grades from other passages in his work in relation to revenue.

necessitated resort to the intricate diplomacy so largely discussed in *Nītiśāstras,* Manu, and even the *Mahābhārata.* The rules in Manu and Śukra regarding the duty of the king to administer justice and the finances *personally,* and to receive in person the daily reports of his secret agents, and the rule of Śukra directing the king to make at least *one* annual tour[121] *throughout* his territories to investigate the effects of his administration, would indicate the small extent of the kingdoms they had in mind.

The Smaller State idea.

It is significant that in regard to one of these functions of the king, viz., the personal administration of justice, the time soon came when, owing to the size of kingdoms and perhaps also the complicated state of the law, it was impossible that the king should himself do this responsible work. Thus, Kālidāsa, in *Śakuntala,*[122] attempts to give a picture of an ancient king living up to this duty—in King Duṣyanta's message excusing himself from attending to the trial of a cause, and asking the minister, the Brahman Piśuna, to take his place in the court. We have similar proofs in the *Mṛchchakaṭī* of Śūdraka (not *later* than fifth century A. D.) and in the later books on law, and even in Śukra,[123] the

121 *Śukranīti*, I 751—2 :—

ग्रामान् पुराणि देशांश्च स्वयं संवीक्ष्य वत्सरे ।
अधिकारिगणैः काश्च रञ्जिताः काश्च कर्षिताः ॥

122 Act VI, (Monier Williams' edn., pp. 236—259).

123 *Śukranīti*, IV, 5, st. 62—63:

प्राड्विवाको नृपाभावे पृच्छेदेव सभागतम् ।
वादिनौ पृच्छति प्राड्वा विवाको विविनकृत्यतः ॥
विचारयति सभ्यैः वा धर्माधर्मान् विवक्ति वा ॥

delegation of the supreme judicial power to either the chief Brahman (*Prāḍvivāka*) or to specially constituted tribunals and officers.

Kauṭilya's conception of a large State.

Readers of Kauṭilya would remember that *he* does not make the attempt to overwhelm the king with the discharge of such duties—which should have been impossible even before his time, in the days of the Nanda Rajas, in a kingdom of the size that Magadha had even then attained to. According to him there were to be several courts of justice in the kingdom[124]. They were to be of two *classes*: viz. *Dharmasthīya* (common and canon law courts), *Kaṇṭaka Śōdhana* (administrative and police courts),—presided over respectively by officers, in panels of *three,* bearing the styles of *Dharma-amātyāh* (ministers of law) and *Pradēṣṭārah*[125] (Directors). The first took note of all causes between subject and subject, while the second had to form (1) standing commissions for the examination of serious crimes like treason, murder, violence, etc., (2) preventive organizations with wide jurisdiction and summary powers of overriding the ordinary law in the interests of equity and promptness of disposal, and (3) special courts for investigating cases of official oppression, misconduct and malversation.

Other precepts of Kauṭilya would confirm the inference to be derived from the review of his description of the administration of justice, viz., that the kingdom

124 *Arthaśāstra,* Book III (*Dharmasthīya*) and Book IV (*Kaṇṭaka-śodhana.*)

125 *Arthaśāstra,* IV., 1:

प्रदेष्टारस्त्रयस्त्रयो वाऽमात्याः कण्टकशोधनं कुर्युः ।

he had in view was of large size. That such a kingdom was not normal is inferable from a comparison of Kauṭilya's precepts with those of Manu and Śukra, and the administration as described in the late law-book of Nārada (six century A.D.). Thus Kauṭilya does not hold that the king could see and do everything personally for his kingdom. As a wheel cannot turn itself, so a king cannot govern by himself. He accordingly needs ministers.[126] He is not ubiquitous, and so he requires ministers to carry out his behests.[127] All administrative measures must be deliberated on in a council of ministers.[128] Ministers are the king's eyes. The god Indra is said to have a thousand eyes, because he has a thousand ministers.[129] Of all powers open to a king, the power of getting counsel is the best. All acts have to find their root—i.e., to be initiated, by the ministers. The only kind of business that a king is asked to attend to personally are the business of the gods, of heretics and wizards, of learned Brahmans, of influential men, of departmental heads (*Tīrthas*), and of

126 *Arthaśāstra*, I., 6:

सहायसाध्यं राजत्वं चक्रमेकं न वर्त्तते ।

कुर्वीत सचिवांस्तस्मात्तेषां च श्रृणुयान्मतम् ॥

127 *Ibid* I. 10.

128 *Ibid* I. 15.

मन्त्रपूर्वास्सर्वारम्भाः ।

and VIII, 1.

अमात्यमूलास्सर्वारम्भाः ।

129 *Ibid* I. 15:

इन्द्रस्य हि मन्त्रिपरिषदृषीणां सहस्रम्; तच्चक्षुः ; तस्मादिमं द्व्यक्षं सहस्राक्षमाहुः ।

minors, the aged, the afflicted and women—and, he is counselled to regard their relative importance as indicated by the order of their enumeration.[130] That is, he is to safeguard himself from the evil results of the curses or the discontent of those whose imprecations were commonly believed to take effect, by attending personally to the transaction of their business. Even a superficial reading of Kauṭilya's *Arthaśāstra* should correct the impression that these duties alone are assigned to the king personally, because Kauṭilya failed to realize the importance of financial, judical, and general administrative work, or because he underestimated the prestige and the usefulness of the king in the constitution.

Insistence on Unity.

The insistence on *unity* as the most important feature of the State—an insistence which must have gone far to strengthen the monarch's position, as the living symbol of this unity—would be quite explicable in the days of Kauṭilya, when the kingdom of the Nandas had crumbled through divided rule, and when the recollection of the ways in which the freedom of the republics of Videha (the Vṛjjians) had been undermined and ultimately lost through dissensions and weak central authority, must have been fresh in the minds of politicians and of the common people. The importance attached by Kauṭilya to this feature is evidenced by his provision for the complete *merging* of conquered

130 *Arthaśāstra* I. 19:

तस्माद् देवताश्रमपाषण्डश्रोत्रियपशुपुण्यस्थानानां बालवृद्धव्याधितव्यसन्यनाथानां स्त्रीणां च क्रमेण कार्याणि पश्येत्।

territories or kingdoms in the dominion of the conquering state, such old rulers or dynasties as survived the conquest being pensioned off and not kept as vassals; by the intense centralization of the Government which he describes and which aims at uniformity of administration throughout the kingdom; by his declaration that a royal inheritance is impartible; by his omission to provide princes, other than the heir-apparent, with such offices or places of influence in the state as Śukra would provide them with; and by his express statement that where sovereign authority is the property of a *Saṅgha* or *Kula*, i.e., a corporation or a clan of kinsmen, —as among the Bacchiads in ancient Corinth—it was to be exercised by *them together*, and through the head of the corporation (*Saṅgha-mukhya*).[131] That divided rule was then dreaded generally may, perhaps, be also inferred by the inclusion of states ruled by two rulers co-ordinately, (*do-rāyāṇi*) and states ruled by the whole community (*gaṇa-rāyāṇi*), among those which the canonical *Acārānga Sutta* asks Jain ascetics to avoid[132].

131 *Ibid* XI. 1: also I, 17:

कुलस्य वा भवेद्राज्यं कुलसंघो हि दुर्जयः ।
अराजव्यसनाबाधः शश्वदावसति क्षितिम् ।

and 171.

संघ्यमुख्यश्च संघेषु न्यायवृत्तिहितः प्रियः ।
दान्तो युक्तजनस्तिष्ठेत् सर्वचित्तानुवर्तकः ।

132 Ed. Jacobi II. iii., 1., 10.

See H. Jacobi, *Jainasūtras*, S.B.E., 1884, p. 138. "A monk or a nun on the pilgrimage, whose road lies through a country where there is no king or many kings or an unanointed king or two governments or no government or a weak government, should, if there be some other places for walking about or friendly districts, not choose the former road for their voyage. The Kevalin says: 'This is the reason: The ignorant populace might bully or beat, etc. the mendicants, etc.'"

That lack of union, leading to lack of unity, was an ever-present menace in the constitution of tribal republics, in the pre-Mauryan days, would also be made clear by the famous words attributed to the Buddha (in that idyll of his last days, the Sūtra of the Great Renunciation) in regard to the Vṛjjian confederacy:—'So long, Ānanda, as the Vajjians hold full and frequent assemblies, so long they may be expected not to decline, but to prosper. So long as the Vajjians meet together in concord, and carry out their undertakings in concord,—so long as they enact nothing not already established, abrogate nothing that has already been enacted, and act in accordance with the ancient institutions of the Vajjians as established in former days—so long as they honour, and esteem and support the Vajjian Elders, and hold it a point of duty to hearken to their words—*so long* may the Vajjians be expected not to decline but to prosper.'[133]

The territorial idea.

The conditions of later times should have somewhat reduced, in practice, the importance of one of the essentials according to the old definition of the State. In the epochs of wide popular and tribal movement represented in the Vedic and Epic periods it was of course not to be expected that the *territorial* aspect of the State should be grasped, or stressed, even if understood. Even in the days of Kauṭilya, Powers are referred to by the names of peoples and not by geographical limits.[134] It is perhaps intentional that Kauṭilya refers to his Prince

133 Rhys Davids—*Buddhist Suttas* (S.B.E., XI, 1881), pp. 3—6.

134 *See* Rhys Davids—*Buddhist India*, 1903, pp. 17—41.

as 'king of men',[135] though it is now hard to say whether it implies an aspiration after universal dominion that transcended the limits of the old kingdom —an ambition realized even in Candragupta's own life, when he ruled from the hills of Assam to the Paropanisus—or unwillingness (as a learned Sanskrit scholar tells me) to use the term *Rājā,* which should be reserved for *Kṣattriyas,* to the *Śūdra* dynasties that ruled in Magadha after the accession of the Nandas. It is, however, clear that in the epochs that followed the disruption of the Mauryan empire, when invasions and immigrations from outside followed one another in an unending procession, frequent unsettlement of the population and of political boundaries became inevitable, and the State had to be thought of independently of a *fixed* territory. Such conditions persisted till so late as the ninth century A. D.—the date of the rise of the Gūrjara empire. Hence the statement that a *definite* territory constituted an essential feature of the state, as an institution, has to be taken in the light of our history, more as an often-realized ideal than as a permanent characteristic of all ancient Indian States.

Basis of Sovereignty.

To writers on *Dharmaśāstra,* the conception of the State as a natural and necessary institution was bound up with the belief in the entire system of the Universe being divinely ordained. Consequently, they do not go beyond suggesting as a justification for Government the need for an institution of correction (*Daṇḍa*) to

135 *Arthaśāstra* II. ch. 10:

कौटिल्येन नरेन्द्रार्थे शासनस्य विधिः कृतः ।

restrain the natural turbulence and depravity of men, leading them to violate the regulations of the different castes and orders of life (*Varṇāśrama dharma*), and of the divine creation of such a power of chastisement or *Daṇḍa*. This theory was enforced by vague references to *Śruti* (i.e., the Vedas)—which, of course, knows the State—and by the recital of the stories of the *divine* creation of Sovereignty after a non-political stage of lawlessness and confusion, and of the compact into which men entered with Manu, the first King, pledging themselves to serve him and support him by their contributions, in return for his protection. These stories which are to be found in the *Śāntiparva* of the *Mahābhārata* are repeated, in one form or the other by the *Manusmṛti* the *Śukranītisāra*,[136] and even by the

Theory of a social contract.

136 *See* (a) *Manusmṛti*, VII. 3:

अराजके हि लोकेऽस्मिन् सर्वतो विद्रुते भयात् ।
रक्षार्थमस्य सर्वस्य राजानमसृजत् प्रभुः ॥

(b) *Śukranīti*, I., ll. 125—40.

(c) *Arthaśāstra*, I. 13:

मात्स्यन्यायाभिभूताः प्रजाः मनुं वैवस्वतं राजानं चक्रिरे ।
धान्यषड्भागं पण्यदशभागं हिरण्यं चास्य भागधेयं प्रकल्पयामासुः ।
तेन भृता राजानः प्रजानां योगक्षेमवहाः ।
तेषां किल्बिषमदण्डकरा हरन्ति, योगक्षेमवहाश्च प्रजानाम् ।
तस्मादुञ्छषड्भागं आरण्यका अपि निवपन्ति ।
तस्यैतद् भागधेयं योऽस्मान् गोपायतीति ।
इन्द्रयमस्थानमेतद् राजानः प्रत्यक्षहेडप्रसादाः ।
तान् अवमन्यमानान् दैवोऽपि दण्डः स्पृशति ।
तस्माद् राजानो नावमन्तव्याः इति क्षुद्रकान् प्रतिषेधयेत् ।

(d) *Mahābhārata*, *Śāntiparva*, ch. 67—68.

(e) *Arthaśāstra*, I. 4:

अप्रणीतो हि मात्स्यन्यायमुद्भावयति ।

Arthaśāstra of Kauṭilya. The last reference is interesting as it is the earliest to which, in the light of our present knowledge, we can assign an approximately definite date, being *earlier* than the philosophy of Epicurus and his School, in which modern writers have *hitherto* seen,[137] the germ of the idea of the origin of the State in a compact. It is undoubtedly of interest to know that a theory like this, sanctifying not merely the State and the institution of Kingship, but also the reciprocal duties of the Sovereign and the subject should have been accepted by the leading political writer and renowned statesman of the fourth century B. C. In view of this, a literal meaning, and almost a constitutional significance, will perhaps have to be assigned to the frequent declarations of the pious Aśoka reiterating his heavy responsibilities, as an emperor, towards all living beings.[138]

Exaltation of Kingship.

In this conception of the need for Government, we may discover the explanation of the declarations exalting the office and power of the King,[139] for the general

137 *See* e.g., S. Leacock—*Elements of Political Science* (1906), p. 26.
138 *See* his Rock Edicts VI and X, for example.
139 Cf. *Rāmāyaṇa*, Ayōdhyā-Kāṇḍa, ch. 67, 33—36.

यथा दृष्टिः शरीरस्य नित्यमेव प्रवर्तते ।
तथा नरेन्द्रो राष्ट्रस्य प्रभवः सत्यधर्मयोः ॥
राजा सत्यं च धर्मश्च राजा कुलवतां कुलम् ।
राजा माता पिता चैव राजा हितकरो नृणाम् ॥
यमो वैश्रवणः शक्रो वरुणश्च महाबलः ।
विशेष्यन्ते नरेन्द्रेण वृत्तेन महता ततः ॥
अहो तम इवेदं स्यात् न प्रज्ञायेत किंचन ।
राजा चेन्न भवेल्लोके विभजन् साध्वसाधुनी ॥

horror of anarchy (*Arājata*) and interregnums,[140] the acceptance of heredity and primogeniture in the rules for the succession to the crown,[141] and the suggestion that the throne should be filled on its vacancy, *somehow,* even if the accepted order of succession has to be set aside, as, in the stories in the *Jātaka* about discovering rulers by the device of the festal car,[142] and in the statement in the *Rāmāyaṇa,*—that the people of Ayōdhyā petitioned for *some one* on the throne, on the demise of King Daśaratha, rather than allow a vacancy to

140 *See Rāmāyaṇa,* Ayōdhya-Kāṇḍa, ch. 67. sl. 31, where the idea occurs also:

नाराजके जनपदे स्वकं भवति कस्यचित् ।

मत्स्या इव जना नित्यं भक्षयन्ति परस्परम् ॥

and *ibid,* ch. 67. sl. 16:

स्वयमेव हतः पिता जलजेनात्मजो यथा ।

as well as *Mahābhārata, Śāntiparva,* ch. 59, 67 and 68 where the evils of anarchy are vividly pictured, and *Matsyapurāṇa,* ch. 225, 9 and Kāmandaka, II. 40:

परस्परामिषतया जगतो भिन्नवर्त्मनः ।

दण्डाभावे परिध्वंसी मात्स्यो न्यायः प्रवर्तते ॥

For Jayaswal's different views *See* his *Hindu Polity,* I., 1928 p. 41, 97, 98, 100, 134, 172, and 173. *Rājākam* is taken by the lexicographer Amarasimha (c 350 A. D.) as an assembly of Kings. (II. 8, 3).

141 *See Arthaśāstra,* I. 17:

बहूनामेकसंरोधः पिता पुत्रहितो भवेत् ।

अन्यत्रापद ऐश्वर्यं ज्येष्ठभागी तु पूज्यते ॥

142 *See* E. B. Cowell's Trn. (1895—1907), vol. III, p. 157; vol. IV, p. 24; vol. V, p. 128 and vol. VI, pp. 25—82.

continue.[143] It is under this head that we should bring such scattered rules as the ancient one, referred to by Gautama (sixth century B. C.), that a vacancy in the throne interrupted Vedic studies throughout the kingdom,,[144] the dictum of Vasiṣṭha (earlier than 200 B. C.) that no action on debts could be taken and no interest allowed thereon, during the interval between the demise of a ruler and the enthronement of his successor (perhaps, because no such claim could be enforced judicially),[145] and the pointed statement of Kauṭilya (fourth century B.C.) that a prescriptive right arising from the forcible dispossession of a property-holder, during an interregnum, will *not* be allowed to be pleaded as conferring a valid title, after

143 *Ayōdhyā-Kāṇḍa*, ch. 67, 8, and 38:

इक्ष्वाकूणां इहाद्यैव कश्चिद्राजा विधीयताम् ।
अराजकं हि नो राष्ट्रं विनाशं समवाप्नुयात् ॥ ८ ॥
स नः समीक्ष्य द्विजवर्य वृत्तं नृपं विना राज्यमरण्यभूतम् ।
कुमारमिक्ष्वाकुसुतं वदान्यं त्वमेव राजानमिहाभिषिञ्च ॥ ३८ ॥

144 *Gautama*, XVI., 32:—

विषयस्थे च राज्ञि प्रेते ।

Baudhāyana, I, 11, 23:—

भूमिकंपश्मशानदेशपतिश्रोत्रियैकतीर्थप्रयाणेषु अहोरात्रमनध्यायः।

Viṣṇu, XXII, 45:—

स्वदेशराजनि च

145 *Vasiṣṭha*, II, 49—50:—

राजा तु मृतभावेन द्रव्यवृद्धिं विनाशयेत् ।
पुना राजाभिषेकेन द्रव्यमूलं च वर्द्धते ॥

This is Buehler's reading. The other readings do not make any sense.

order is restored, on the accession of a new ruler.[146] And, we may also quote in this connection the picturesque declarations of *Śukranītisāra* that "as the wife of Indra is never a widow (because the office of Indra is never vacant and she is attached to the office), so, even unrighteous people (who may not want a Government) cannot survive even for a moment without a king"[147], and of Somadeva that 'as the subjects find their roots in their sovereign, what can human ingenuity and effort do for a tree that has no roots?'[148]

Aims of the State.

In regard to the aims of our ancient polity, the functions of Government, as conceived both by rulers, and by the political theorists and legists, who were (to borrow Maitland's words in describing the similar writers of mediaeval Europe), 'clothing concrete projects in abstract vesture, (and) who fashioned the facts as well as the theories of the time,'[149] we have testimony of an abundant and varied kind. The

146 *See Arthaśāstra*, III, 16:—

यत् स्वं द्रव्यं अन्यैः भुज्यमानं दशवर्षाणि उपेक्षेत हीयेतास्य; अन्यत्र बालवृद्धव्याधितव्यसनिप्रोषितदेशत्यागराज्यविभ्रमेभ्यः ।

147 *Śukranīti*, I, ll. 187—188.

न तु नृपविहीनाः स्युः दुर्गुणा ह्यपि तु प्रजाः ।
यथा न विधवेन्द्राणी सर्वदा तु तथा प्रजाः ॥

148 *Nītivākyāmṛta*, p. 62:—

स्वामिमूलाः सर्वाः प्रकृतयः भवन्ति अभिप्रेतार्थप्रयोजनाय, नास्वामिकाः । अमूलेषु तरुषु किं कुर्यात् महापुरुषप्रयत्नः ।

149 "In Dr. Gierke's list of mediaeval publicists, besides the divines and schoolmen, stand great popes, great lawyers, reformers, men who were clothing concrete projects in abstract vesture, men who fashioned the facts as well as the theories of their time." (Gierke, *Political Theories of the Middle Age*, 1900., pp. vii—viii).

Arthaśāstras give lists of State departments and the kinds of work that it was good for the State to undertake or to abstain from. The writers on *Dharmaśāstra* similarly give clear indications of the acts and forbearances which were legitimate in sovereign and subject. Even such *formal public* documents as inscriptions *may* be read so as to convey some notion of the ideals for which their 'authors' desired to get credit and, besides this, they often give information regarding departments of Government organization and activity. The works of poets, and religious and ethical writers too, may be made to yield the *current* opinion regarding what was allowable, or not, for a Government, or for a subject.

People's welfare.

From evidence of these kinds, the first conclusion we may draw is the unanimity with which every one preaches the high regal duty of righteousness and devotion to the welfare of the people. For example, we have, to begin with, the authority of the *Mahābhārata* for the old sentiment that a ruler entrenched behind the impregnable fortress of his people's love is unconquerable.[150] We next have Kauṭilya's advocacy of the high ideal that the king should seek his happiness in the happiness of his people and not in the satisfaction of his own inclinations.[151] We have his advice too, that a king should regard promptitude in action as his religious

150 See *Mahābhārata*—Rājadharmaparva.

151 *Arthaśāstra*, I, 19:

प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम् ।
नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम् ॥

vow, performance of the people's work as his sacrifice, and impartiality in decision as having the same merit and efficacy as the lustral bath and the largess at the end of great sacrifices.[152] After these pronouncements of the *admitted* aims of the State, which may be quoted in any number,—(aims which for instance, breathe in every word of the famous personal appeals of the great Aśoka to his subjects)—it is hardly necessary to refer to such edifying sentiments as those to be found in Kālidāsa,—Duṣyanta's acceptance of the King's obligation to protect the weak, the widow and the orphan, and to be a father to the fatherless,[153] Dilīpa's taking taxes only for use in the people's interests,[154] and Kālidāsa's own prayer, at the end of Śakuntala, that kings should ever strive for the good of the people.[155]

Dharma and the State.

The second conclusion, in regard, to the end of the State, that we may draw from the evidence is the almost universal acceptance, *as an ideal,* of the nearly allied conception of the State's duty

152 *Arthaśāstra*: I., 19:

राज्ञो हि व्रतमुत्थानं यज्ञः कार्यानुशासनम् ।
दक्षिणा वृत्तिसाम्यं च दीक्षितस्याभिषेचनम् ॥

153 *Śākuntala*, Act VI, sl. 155:

येन येन वियुज्यन्ते प्रजाः स्निग्धेन बन्धुना ।
स स पापादृते तासां दुष्यन्त इति घुष्यताम् ॥

154 *Raghuvaṁśa*, I, 18:

प्रजानामेव भूत्यर्थं स ताभ्यो बलिमग्रहीत् ।

155 *Śākuntala*, Act VII, sl. 199:

प्रवर्ततां प्रकृतिहिताय पार्थिवः ।

to maintain *Dharma,*[156] especially those parts of it, which are known as *sādhāraṇa* and *varṇāśramadharma.* The sacerdotal conception of the origin of the State, and the early rise of the priest-caste in the history of our country, and the very early division of the people by *varṇa* (caste), combined to raise this maintenance of *Dharma* to the rank of one of the first duties of the State. This vivid recognition of the responsibility of a State for the upkeep of the moral and social order—which itself is believed to be based on the sanction or the mandate of the religion which the State follows, is not confined to Ancient India in the world's history. The Christianized Empire of New Rome, not to speak of the Caliphate, may be cited as an example, even if the mixture of principles and interests involved therein make the citing of almost similar instances from mediaeval and modern European history somewhat unilluminating. But the ancient Indian conception has attracted more conspicuous attention than these cases, because of the survival —through the apparent support of the State—of the institution of Caste, to the maintenance of which the State's aid was invoked. It was characteristic of India that the alternations in the fortunes of Brahmanism and Buddhism had no power to modify this attitude of the State towards *Dharma,* since both religions *equally* desired the State's aid for the upkeep of the 'moral order,' as they respectively conceived it.

This obligation of the State to maintain *Dharma* has been urged, not only by writers with transparent

156 *See infra* pp. 88—90, for classifications of *Dharma.*

sacerdotal inclinations like the author of the *Manusmṛti*, but even by those, who, like Kauṭilya viewed Politics from a secular standpoint. The agreement of the two classes of our authorities may be inferred from a comparison of the following with the numerous statements of the same kind in Manu and the *Dharmaśāstras*:

'The king shall never allow people to swerve from their appointed duties (*Dharma*): for, whoever *upholds* his own duty, adheres to the usages of the Aryas, and follows the duties of the castes and orders (*varṇāśramadharma*) will attain happiness in this world as well as in the next' (Kauṭilya).[157]

Among kings who ignore this duty, Kauṭilya condemns more the ruler who knowing his duty neglects it than he who does so through ignorance—though even such ignorance may be very culpable and lead to the destruction of the kingdom.

It is not easy to decide whether the acceptance of such views by Kauṭilya is the result of his inability to rise above the prepossessions inherited by him and imbibed from his training in the Brahmanic schools, or it reflects merely the practice of the fourth century B.C. The descriptions of the influence of the Brāhmaṇas and Śramaṇas in the Pāṭalīputra of his day, that we have in the fragments of Megasthenes, would appear to confirm the second of these inferences. These 'philosophers' are stated to have lived on the outskirts of the city, and to have been frequently visited by kings and administrators, in search of advice in matters relating to government. It is also on record that Alexander himself

157 *Arthaśāstra*, I. 4:

चतुर्वर्णाश्रमो लोको राज्ञा दण्डेन पालितः ।
स्वधर्मकर्माभिरतः वर्त्तते स्वेषु वर्त्मसु ॥

found it worth his while to pay a visit to a person of this type during his brief stay in the Panjab.[158] The need for such consultations, as those referred to, would be apparent if one postulates that it was an admitted duty of the *State* to maintain *Dharma,* since the question would frequently rise as to what was or was not consistent with *Dharma.* The determination of such points would not be simple, or within the province of mere secular administrators. For *Dharma* was of many kinds, was constantly growing, and was never very definite.[159] It could be, for example, *Sādhāraṇa Dharma,* i.e., ordinary equity and morality, of the kind instanced in the following quotations from Vasiṣṭha (anterior to 200 B.C.) and Viṣṇu (*c.* A.D. 100) : 'Truthfulness, freedom from anger,

158 *Arthaśāstra,* VIII, 2:

चलितशास्त्रस्तु शास्त्रादन्यथा अभिनिविष्टबुद्धिः अन्यायेन राज्यमात्मानं च उपहन्ति ।

See Megasthenes, Fragment 41. For Alexander's interview with the Indian Philosophers, *see* the passages of Strabo translated in J. W. McCrindle—*Ancient India as described in Classical Literature* 1901, pp. 69—76.

159 Vijñāneśvara (commenting on *Yājñavalkya Smṛti* I. 1.) gives, as below, the classification adopted in the lecture but with other illustrations:

अत्र च धर्मशब्दः षड्विधस्मार्तधर्मविषयः । तद्यथा वर्णधर्म आश्रम धर्मो वर्णाश्रमधर्मो गुणधर्मो निमित्तधर्मः साधारणधर्मश्चेति । तत्र वर्णधर्मो— ब्राह्मणो नित्यं मद्यं वर्जयेदित्यादिः । आश्रमधर्मोऽग्नीन्धनभैक्षचर्यादिः । वर्णाश्रमधर्मः—पालाशो दण्डो ब्राह्मणस्येत्येवमादिः । गुणधर्मः—शास्त्रीयाभिषेकादि गुणयुक्तस्य राज्ञः प्रजापरिपालनादिः । निमित्तधर्मो विहिताकरण प्रतिषिद्ध सेवन निमित्तं प्रायश्चित्तम् । साधारणो धर्मोऽहिंसादिः ।

There are other classifications e.g., *Mārkaṇḍeya-purāṇa,* ch. XXX.

liberality, abstention from injuring living beings, and the perpetuation of the family are the *Dharma* common to all',[160] and 'Forbearance, truth, self-restraint, purity, liberality, non-injury to life, obedience to spiritual guides, pilgrimages to holy places, pity for the afflicted, straight-dealing, freedom from avarice, reverence towards gods and Brahmans,—these are the *Dharma* common to all classes.'[161] Or again, *Dharma* might be *Asādhāraṇa,* i.e. of a special character. In this class would be included *Varṇa Dharma* (obligations of castes), *Aśrama Dharma* (regulations of the orders or stages of life), *Varṇāśrama Dharma* (rules about both castes and orders and their interrelations), *Guṇa Dharma* and *Naimittika Dharma.* Or again, a cross classification of *Dharma* would give as its constituents, *Ācāra Dharma* (valid usage), *Vyavahāra Dharma* (rules about affairs) and *Prāyascitta Dharma* (rules of penance). Except *ordinarily* in regard to *Sādhāraṇa Dharma* (for even in it, there would arise difficult questions, as, the tendency would ever be to put in as *common* obligations the duties of particular sections or *classes*) the constituents of the other types of *Dharma* would offer nice points for academic elaboration and differentiation. Should a State, therefore, undertake

160 *Vasiṣṭha,* IV, 4:

सर्वेषां सत्यमक्रोधो दानमहिंसा प्रजननं च ।

161 *Viṣṇusmṛti,* II, 16—17:

क्षमा सत्यं दमः शौचं दानमिन्द्रियसंयमः ।
अहिंसा गुरुशुश्रूषा तीर्थानुसरणं दया ॥
आर्जवं लोभशून्यत्वं देवब्राह्मणपूजनम् ।
अनभ्यसूया च तथा धर्मः सामान्य उच्यते ॥

to maintain *Dharma,* it would have frequently to obtain opinions that would be deemed authoritative in cases in which points of *Dharma* were at issue. How would such opinions be obtained? Who was competent to give them?

Maintenance of Local and tribal custom and usage.

The answer to these questions is *suggested* by a third duty which is imposed by all our writers on the State. This is the obligation to maintain and *accept as valid* every local usage, every custom of a caste, tribe, clan, and family, every by-law or usage of corporations, guilds and organized non-political communities or fraternities, as was not inconsistent with the State's own mandates or interests. This is expressly stated by Kauṭilya[162]. Applying for convenience the general term 'innocent usage' to the extensive group of customs, usage, and by-laws represented in the above description, we may say that the texts are uniformly in favour of *all* such innocent usage being accepted.

That this concession (*admitted* in the canon) should represent one *actually* made would be evident, if we pause to recollect for a moment, that the grant of such a liberty was somewhat inconsistent, and therefore repugnant, to the claims to *completeness* and universality put forward by the *Dharmaśāstras*—especially by such of them as claimed divine inspiration.

The famous edicts[163] of the great Aśoka—in which the officers are warned that the king, even in his

162 *Arthaśāstra,* III., 7:

देशस्य जात्या संघस्य धर्मो ग्रामस्य वाऽपि यः ।
उचितस्तस्य तेनैव दायधर्मं प्रकल्पयेत् ॥

163 *e. g.* The Borderers' Edict and the Provincials' Edict.

devotion for the propogation of the law of *Dharma*, is not prepared to proceed to extremities with the forest and border tribes of his vast empire, that he only desires them to be assured of his sympathy, and that he wants the law of *Dharma* to be accepted by them, voluntarily, after conviction of its worth—would likewise seem to be animated by the same spirit of tolerance of local usage or prejudices. In these pointed prohibitions of Aśoka one may perhaps be permitted to discover also the statesman-like desire to curb the zeal of a great bureaucracy to bring about uniformity in practices throughout an empire.

A third testimony to the actual acceptance of such innocent usage is to be found in the large body of it, which was known to later writers of *digests*, commentaries and compendia of Hindu law—such as the *Smṛticandrika* of Devaṇṇa Bhaṭṭa (Thirteenth century A.D.). How a king with 'Aryan' views was advised to accept as valid usage even practices repugnant to his own sense of the fitting would be evident from the following passages from *Śukranītisāra*:[164]

164 *Śukra*, IV., v., 92—99:

देशजातिकुलानां च ये धर्माः प्राक् प्रवर्तिताः ।
तथैव ते पालनीयाः प्रजा प्रक्षुभ्यतेऽन्यथा ॥
उदूह्यते दाक्षिणात्यैर्मातुलस्य सुता द्विजैः ।
मध्यदेशे कर्मकराः शिल्पिनश्च गवाशिनः ॥
मत्स्यादाश्च नराः सर्वे व्यभिचाररताः स्त्रियः ।
उत्तरे मद्यपा नार्यः स्पृश्या नृणां रजस्वलाः ॥
खशजाताः प्रगृह्णन्ति भ्रातृभार्यामभर्तृकाम् ।
अनेन कर्मणा नैते प्रायश्चित्तदमार्हकाः ॥

'Those customs which have been introduced in the country, caste or race, should be maintained in the same condition, for, otherwise, people get agitated.

'In the southern countries maternal uncle's daughters are taken in marriage by Brahmans.

'In the central country, the artisans and artists are eaters of cow's flesh, the men are all flesh-eaters, and women are accustomed to promiscuous intercourse.

'In the north, women drink wine, and are approachable at all times.

'In the Khaśa country, men marry their brothers' widows.

'These people do not deserve penance or punishment for the practice of these customs'.

Lastly, it is important to note in this connection, that Kauṭilya, Manu[165] and Śukra, all agree, in commending to a conqueror the maintenance of the laws and the customs of the conquered State—following logically their approval of innocent usage within a kingdom itself,—and that Kauṭilya would even allow to foreign traders the right to be judged by their own law, especially in business matters.

The review of the State's duty to maintain *Dharma* and local usage leads naturally to the consideration of the fourth and fifth functions of our ancient polity—viz, the administration of justice, and the promulgation of laws. It is in regard to these that some of the hostile

165 *See Arthaśāstra*, XIII. 4 :

जित्वा च पृथिवीं विभक्तवर्णाश्रमां स्वधर्मेण भुञ्जीत ।

and *Manusmṛti*, VII., 201 and 203 :

जित्वा सम्पूजयेद्देवान् ब्राह्मणांश्चैव धार्मिकान् ।
प्रदद्यात् परिहारांश्च ख्यापयेदभयानि च ॥
प्रमाणानि च कुर्वीत तेषां धर्मान् यथोदितान् ।
रत्नैश्च पूजयेदेवं प्रधानपुरुषैः सह ॥

views about the primitiveness or ignorance character of our ancient State have been most urged, and it would, therefore, be necessary to devote some attention to them.

Administration of Justice.

The first conclusion in regard to the administration of justice is that all the evidence, at our disposal, is unanimous in showing the existence in ancient India of a fairly elaborate judical machinery. Reference has already been made to the classification of courts of justice by Kauṭilya into *Dharmasthīya* and *Kaṇṭaka-śōdhana* courts,[166] to the definition of their province, and to the rule that they were to be presided over by three *Amātyas* (officers) each—so as apparently to enable a majority's decision to be given, in cases where the judges were not unanimous. The number of such courts is not specified, but there were to be as many as there was need for. The distinctive feature of judicial administration in Kauṭilya's description or scheme, as compared with those that we find in earlier and later Smṛtis,—which refer to the conditions of the more primitive or to the decadent times respectively preceding and following the period of Mauryan rule,—is that these judges are *special* officers though, perhaps, not *specialists,* as Kauṭilya in another part of his work recommends the transfer of officers from one department to another in the State.[167] Neither is judicial work

166 *See Arthaśāstra*, II. 37; IV, 11.

167 *Arthaśāstra*, V. 3:

शतवर्गसहस्रवर्गाणामध्यक्षाः भक्तवेतनलाभमादेशं विक्षेपं च कुर्युः ।

Ibid., II. 9:

आस्रावयेच्चोपचितान् विपर्यस्येच्च कर्मसु ।

यथा न भक्षयन्त्यर्थं भक्षितं निर्वमन्ति वा ॥

Śukranīti, II, sl. 108:

परिवर्त्य नृपो ह्येतान् युंज्यादन्योन्यकर्मणि ।

thrown by Kauṭilya upon the king, as described in earlier authorities, nor is it delegated to his spiritual adviser—the chief Brahman—the *Prāḍvivāka* of earlier and the *Dharmāḍhikāri* of later times. Nor, in spite of the elaborate magnification of the king's position and person, the seclusion of the king, and the proofs of the splendour and complication of the court ceremonial, do we find pure *court officers* like the *Chamberlains* taking part in such judicial work, as appears to have been the case, later on, in the fourth and fifth centuries A.D.,—if we may accept the reference in *Kālidāsa* and *Śukranītisāra* as evidence of the actual conditions of their times. Besides these courts, the *Arthaśāstra* mentions the vesting of powers of control and punishment—i.e., magisterial powers, in heads of provinces, districts, revenue circles and villages, as well as in the officers of the capital, which (from the duplication of the *grades* of provincial officers from top to bottom in the city-executive) appears (like London) to have been treated as the equal of a province. The range of the topics that might come up before the *Dharmasthīya* and *Kaṇṭakaśōdhana* courts is indicated by the long lists of offences and the penalties therefor, that we find scattered throughout the body of the *Arthaśāstra* —offences whose presence in the criminal law of the time would induce a somewhat cautious acceptance of the enthusiastic descriptions of Megasthenes of the absence of serious crime in Magadha.[168] This may suffice as a sample, and it would now be needless to picture the kind of judicial machinery described by Śukra, or by Manu or by those who wrote in still later

168 Megasthenes, Fragment XXVII.

epochs. Their testimony would only confirm the view of the existence *always* of well-developed courts of law, in at least the larger states of ancient India, with well-defined rules of procedure.

Its burdensomeness.

The judicial work of the time, however, should have pressed less heavily on the higher courts than it does nowadays. Omitting other causes due to the different material and moral conditions of those days and of our times, one prominent reason for this may be seen in the very large proportion of such disputes, then settled outside the courts. Thus, according to Kauṭilya, all disputes (he is speaking generally though his context is about boundary disputes), are to be decided by or on the evidence of the leading men of the locality.[169] Again, there were many rules to prevent unnecessary litigation. Thus, in regard to sales and rights over lands, he rules that all such sales should take place publicly, in the presence of the leading men of the villages in which the lands lie.[170] The scope of disputes over land sales is still further limited by the provisions—intended to secure land records against confusion, and the State against the loss of revenue entailed by land of an escheatable nature passing into the hands of Brahmans,

169 *Arthaśāstra*, III. 9:

सर्वे एव विवादाः सामन्तप्रत्ययाः ।

170 *Ibid*, III. 9:—

सामन्त ग्रामवृद्धेषु क्षेत्रमारामं सेतुबन्धं
तटाकमाधारं वा मर्यादासु यथासेतुभागं
'अनेनार्घेण कः क्रेता' इति
त्रिराघुषितवीतमव्याहतं क्रेता क्रेतुं लभेत ।

whose property would not escheat to the crown—that tax-payers should sell their immovable property only to tax-payers, and the holders of *brahmadeya* (tax-free) lands only to those who already possess such immunities, and that the entry as proprietors of those, who do not pay taxes, into tax-paying villages should be punished as an offence deserving of the highest amercement.[171] We have further such *detailed* rules as that the *valid* rates of interest and loan-mortgages should be 15 and 12½ per cent per annum,[172] that the period of limitation on debts should be ten years,[173] that no action at law for debt would lie in the courts in regard to transactions between husband and wife, and parents and children,[174] that slavery should be restricted to barbarians,[175] that in trade dealings days of grace

171 *Arthaśāstra*, III. 10:

करदाः करदेष्वाधानं विक्रयं वा कुर्युः ।
ब्रह्मदेयिका ब्रह्मदेयिकेषु । अन्यथा पूर्वस्साहसदण्डः ।
करदस्य वा अकरदग्रामं प्रविशतः ।

172 *Ibid.* III. 4:

सपादपणा धर्म्या मासवृद्धिः पणशतस्य ।
पंचपणा व्यावहारिकी । दशपणा कान्तारकाणां ।
विंशतिपणा सामुद्राणां । ततः परं कर्तुः
कारयितुश्च पूर्वस्साहसदण्डः ।

173 *Ibid*, III. 11:

दशवर्षोपेक्षितं ऋणं अप्रतिग्राह्यम् ।

174 *Ibid.*

दंपत्योः पितापुत्रयोः भ्रातॄणांच अविभक्तानां परस्परकृतं ऋणं असाध्यम् ।

175 *Ibid.* III. 13:

म्लेच्छानां अदोषः प्रजां विक्रेतुं आधातुं वा ।
न त्वेवार्यस्य दासभावः

should be allowed to traders for payments to be made by them,[176] and that ten years of prescription would ripen possession into ownership, unless the possessor has been holding the property of children, the aged or afflicted, or the diseased or of a deserted wife, of an exile or of a wanderer in foreign countries.[177]

The samples of the detailed rules of *civil* law just given, along with the elaborate *definitions* and classifications of offences which the State would punish and the scale of penalties therefor—will also indicate that the rules are those *actually* enforced in Kauṭilya's time. As, from their form as *general* 'commands' and their nature, they could not be based on local usage or custom, and, as in regard to their form, number and relative position they vary (as a body) from similar rules that may be gleaned from other parts of our ancient history, it is inferable that the rules in the *Arthaśāstra*, in regard to these matters, should be those *actually* enforced in his days. The inference that we have in Kauṭilya's work the fragments of *a code*—perhaps one of Candragupta Maurya's,—is strengthened by other circumstances. Thus, we have to note the unhesitating manner in which Kauṭilya enunciates these rules. He does not quote, as is his practice, any views opposed to these rules. Nor does he, as he often does elsewhere, justify the principles underlying these rules. It appears reasonable to assume that, for some reason, he

176 *Arthaśāstra*, III. 15:

वैदेहकानां एकरात्रं अनुशयः, कर्षकाणां त्रिरात्रं, गोरक्षकाणां पञ्चरात्रं, व्यामिश्राणां उत्तमानां च वर्णानां विवृत्तिविक्रये सप्तरात्रम् ।

177 *Ibid*, III. 16: cited on p. 83 *infra* as footnote 146. The expression *'rājyavibhramebhyaḥ'* is ambiguous, and can be interpreted as in the text of the lecture above or on p. 83 *infra*.

did not consider them worth arguing—though, as a sagacious thinker, he must have considered them as much worth thinking about as we now should. And, is it then too great a stretch of inference to conclude that the reason why he did not argue out the rules was that they were the actual law of the land, accepted or promulgated by the State, and enforced by its courts?

The instances that have been quoted will show the extent of the work of the courts of Justice, and the presence of a legislative side to the functions of ancient Indian Government.

In regard to the former, the limitation of range was due to a considerable portion of cases—such as village disputes and differences between members of corporate organization (guilds)—being expressly allotted for disposal to the bodies concerned. Such unequivocal rules as the one in *Śukarnītisāra,*[178] directing foresters to be tried by foresters, merchants to be tried by merchants, soldiers by soldiers, and village affairs by village heads, must have had the effect of reducing the volume of work for the higher courts. The prevalence of corporate organizations[179] in ancient India, in a

178 IV. v. ll. 44—45.

आरण्यास्तु स्वकैः कुर्युः सार्थिकाः सार्थिकैः सह ।
सैनिकाः सैनिकैरेव ग्रामेऽप्युभयवासिभिः ॥

179 On corporate organizations in India, *see* E. W. Hopkins—*India, Old and New*, 1902, pp. 168—205, in which he deals with ancient and modern Hindu guilds. See also Ananda K. Coomaraswamy's *Indian Craftsman*, 1909, chapter II; R. C. Majumdar—*Corporate Life in Ancient India*, (1918); Radha Kumud Mookerji—*Local Government in Ancient India*, (1919); Benoy Kumar Sarkar—*Political Institutions and Theories of the Hindu* (Leipzig, 1922); V. R. Ramachandra Dikshitar—*Hindu Administrative Institutions*, (1929); and Beni Prasad—*State in Ancient India* (1928) and *Theory of Government in Ancient India* (1927).

much greater degree than at the present day, appears to be indicated by many references in our ancient literature, besides those in Megasthenes. To that extent therefore, the work of village courts and guilds would be greater, and of the king's courts less, than we ordinarily should imagine. The substantial recognition of the work of such organizations in the ancient State is also implied in such rules as those of Kauṭilya making an assault on a 'village elder' (*mahājana*) a specially heinous offence,[180] and classifying the heads of guilds (*śreṇi*) along with generals of cavalry and infantry among the officers of the State, receiving the high salary of 8,000 *paṇas*.[181]

Legislation.

In regard to legislation forming a function of the ancient Indian State—or King—some further consideration of the position upheld is necessary, in deference to the volume of opinion against it. There are many who believe, with Maine, that an ancient Indian ruler never in his life issued a single *general* command of the nature of a *law*, truly so called, and that the rules in our *Dharmaśāstras* refer to aspirations and not to actualities. Such a view appears to be strengthened by a well-known statement, ascribed by Strabo to Megasthenes, which, as translated by McCrindle, runs thus:—

'Those who were in the camp of Sandrakottos, wherein lay 400,000 men, found that the thefts reported on any one day did not

180 *Arthaśāstra*, III. 19:

महाजनस्यैकं घ्नतः प्रत्येकं द्विगुणो दण्डः ।

181 *Arthaśāstra*, V. 3:

श्रेणीमुख्या हस्त्यश्वरथमुख्याः

प्रदेष्टारश्च अष्टसाहस्राः ।

स्ववर्गानुकर्षिणो हि एतावता भवन्ति ।

exceed the value of 200 drachamae, and this among a people *who have no written laws*, but are ignorant of writing and must therefore in all the business of life trust to memory'.[182]

Its relation to Dharma.

This opinion has also received support from the confusion created by the different meanings of the word *Dharma* which, according to the context, may signify such different things as law proper, virtue, religion, duty, piety, justice, and innate property or quality. Especially has the confusion between *Dharma* in its general or *inclusive* sense and its sense as law proper proved very misleading. When we mention that the ancient State was exhorted to maintain *Dharma*, the real implication is that it was called on to maintain *Dharma*, in this wider sense; and the sources of *Dharma*, that we find, in our *Dharmaśāstras*, should also refer to *Dharma* in this comprehensive sense. But, seeing that the enunciation of the *Dharma* in the non-legal sense was the function of the Brahmans, as the custodians of the Veda, it has been assumed that the enunciation of actual law also was the function of the Brahmans, to whom was thus ascribed either an exclusive right of declaring what should be the law, or a co-ordinate power of doing so with the king. It is not possible to discuss this difficult question further, in the course of this lecture. It must suffice to say that Megasthenes is manifestly in the wrong about many matters, including his statement about the absence of writing; that 'written law' to him, as to any Greek, would be law as promulgated in tablets and exhibited in the market place or preserved in a place where it could be examined, as the Laws of Solon were—till the

182 Fragment XXVII, (Strabo, I. 53—56)—Calcutta reprint, p. 68.

time, when, as the comedian quoted by Plutarch puts it, the wooden rollers on which they were engraved were used to parch peas;[183] and that it was natural for one like Megasthenes, in the absence of such *tangible* proofs of the existence of laws, to assume that they existed only as custom, especially when he saw the references often made to the Brahmans by the administrators, in the course of their administering *Dharma* in its wider sense.

Its real character.

If further support were needed, we may point to the detailed rules of the *Arthaśāstra,* and of the edicts of Aśoka in proof of this kind of legislative work. Taking law to imply a general command enforced by the State and its courts, we may ask whether it is conceivable that, in an epoch in which definiteness and accuracy were passionately desired in the most trifling matters of detail, a function of such importance as the making of laws would be left to an irresponsible and unorganized body of people in the state? Have we not also in the Jātakas frequent references to the reversal, on appeal, of sentences pronounced by courts, besides the specific mention of a *book of judgments* by which, in the absence of a rule of law, a case was decided?[184] And, if

183 *See* Plutarch's life of Solon, (Clough's trn. *Everyman's Library,* I, p. 138):

'These tablets of Solon, as Aristotle says, were called cyrbes, and there is a passage of Cratinus the comedian—

By Solon and by Draco, if you please,
Whose cyrbes make the fire that parch our peas.'

See J. Muirhead—*Roman Private Law,* 1899, pp. 94—95. Grote—*History of Greece,* vol. II. p. 447 and p. 500, and L. Whibley—*Companion to Greek Studies,* 1906, pp. 378—9.

184 See *Jātaka,* (Cowell's trn.) III. 183.

the State promulgates no laws, what is the point of such statements as that of Kauṭilya that the judge who gives a *wrong* decision should be punished,[185] or the equitable *modification* of law that Kālidāsa makes his Duṣyanta *proclaim* as his law,[186] or the following statements of *Śukranitisāra.*

The following laws are promulgated by the king among his subjects.[187]

'The king should say,—"I will surely destroy by severe punishments those who after hearing *these,* my commands, would act contrary to them." 'The king should always inform the subjects of, those laws drawn by the *State* and also *place* them in the highway as *written notices.*'

It of course follows from the nature of the ordinary type of Indian kingship—an autocracy—that, constitutionally the king was in a position to accept or

185 *Arthaśāstra*, IV. 9:

धर्मस्थः प्रदेष्टा वा हैरण्यमदण्ड्यं क्षिपति क्षेपद्विगुणमस्मै दण्डं कुर्यात्। हीनातिरिक्ताष्टगुणं वा शारीरदण्डं क्षिपति, शारीरमेव दण्डं भजेत । निष्क्रय द्विगुणं वा । यं वा भूतमर्थं नाशयत्यभूतमर्थं करोति तदष्टगुणं दण्डं दद्यात् ॥

186 *Śākuntala,* Act. VI. sl. 155.

येन येन वियुज्यन्ते प्रजाः स्निग्धेन बन्धुना ।
स स पापादृते तासां दुष्यन्त इति घुष्यताम् ॥

187 *See Śukranitisāra,* I. 587; from

शासनं त्वीदृशं कार्यं राज्ञा नित्यं प्रजासु च ।

to *Ibid,* I. 623—626:

इति मच्छासनं श्रुत्वा येऽन्यथा वर्त्तयन्ति तान्।
विनशिष्यामि दण्डेन महता पापकारकान् ॥
इति प्रबोधयन्नित्यं प्रजाश्शासनडिंडिमैः ।
लिखित्वा शासनं राजा धारयेत चतुष्पथे ॥

The rules referred to by Śukra in the above passage are no merely ethical precepts but are also rules regarding civil action.

repudiate the laws accepted by his predecessor. But he ordinarily accepted them, as the ancient Roman Praetor in the Republic accepted his predecessor's edicts; and, in course of time, there grew up in India, as in Rome, a more or less permanent body of laws—like the *edictum perpetuum* at Rome. No one denies either the legal capacity of the Roman Praetor to change the law or to modify it in his edict, or the existence of a definite body of law at Rome which the Praetor, and the other magistrates enforced. And yet, under analogous conditions largely through the causes to which reference has already been made, the law-making side of the ancient Indian State, and even the very existence of a body of express state-authorized law has been emphatically denied.

Kings and Dharma.

A few words more have to be said in regard to the relation of the king to the law, and of the Brahmans to both. In regard to the former, we very often see in our ancient literature—and in our modern too—such apparently contradictory statements as 'the king is above the law,' and 'the law is the king of kings.' In the first, i.e., ancient literature, there is no real conflict of view, as the word used for law in both cases in *Dharma,* but it is used in its limited and its wider sense respectively. The two senses of *Dharma* were closely related to each other in ancient India, since on account of the State's acceptance of its responsibility to maintain *Dharma* in its wider sense, all its legislative activity had to be guided and controlled by the existence of *Dharma* as an *ideal.* To the constant presence of this conception as a great ideal to live up to, we doubtless largely owe the

progress of Indian private law, and the bounds within which, in practice, the theoretical autocracy of the ruler was restrained. What the conception of the Law of Nature has been to the development of Roman and modern European jural ideas, that the idea of *Dharma* (in its wider sense) has been in the evolution of Indian law and polity. The significance of the relations of *Dharma* and kingship are well-brought out in the celebrated passage[188] of the *Bṛhadāraṇyaka-Upaniṣad,* which has been so often *wrongly* quoted as a noble definition of *Civil* Law, while in reality it merely refers to a great political and legal ideal, the realisation of which the Indian State had accepted as its goal:

> 'Brahmā (the Supreme Being) created the most excellent *Dharma*. *Dharma* is the king of kings (*Kṣatrasya Kṣatram*). Therefore, there is nothing higher than *Dharma*. Thenceforth, even a weak man rules with the help of *Dharma* as with the help of a king. Thus *Dharma* is what is called the True. And, if a man declares what is true, they say he declares *Dharma;* and if he declares *Dharma*, they say he declares what is true. Both are the same.'

The point of this passage, once the word *Dharma* is retained untranslated, will be seen to consist not in the

188 I, 4, 11—14:

स नैव व्यभवत् तत् श्रेयोरूपमत्यसृजत धर्म्मं तदेतत् क्षत्रस्य क्षत्रं यद्धर्मः तस्मात् धर्मात्परं नास्ति अथो अबलीयान् बलीयांसमाशंसते धर्मेण यथा राज्ञैवं यो वै स धर्म्मः सत्यंवै तत्तस्मात् सत्यं वदन्तमाहुर्धर्म्मं वदतीति धर्मं वा वदन्तं सत्यं वदतीत्येतत् हैवैतदुभयं भवति ।

Mr. R. C. Dutt, following Sir William Jones, took it to contain a definition of Law, and stated (*History of Civilization in Ancient India*, vol. 1, p. 173):—'No nobler definition of Law has been discovered by all the jurists in the world.' His version of the passage errs mainly in rendering *dharma* by the word 'law'. The mistake has been frequently copied.

identification of truth and civil law, but in the identification of truth with a higher law, i.e. *Dharma,* and in the statement that this higher law (*Dharma*) stands even above an autocrat. The idea is the same as that contained in the celebrated words of Pindar—'Law the king of All, both mortals and immortals.'[189]

Position of the Brahmans.

In regard to the relation of the Brahmans towards the law and the king—with which we may end our consideration of the relations of the ancient Indian State to law—the analogy (suggested earlier in the lecture) between the State's recognition of innocent usage and its acceptance of the duty of maintaining *Dharma,* may help to make the position clear. As, in the case of caste usage or local usage, the opinion of the caste-brethren or the neighbours judicially prevailed, so in matters affecting *Dharma,* whose source was ultimately sought in the Veda, i.e. Revelation, those who as a class studied the Veda, the *Śrōtriyas,* were the expounders followed by the courts.[190] Where the opinions of the Brahmanical schools were already crystallized in regard to *Dharma,* they were incorporated in the *Dharmaśāstras,* and these works also

189 For Pindar's conception of law as the order of the universe, *See* Sir T. E. Holland—*Jurisprudence,* 1880, p. 19.

190 *See Gautama,* XXVIII, 49—50:

अनाज्ञाते दशावरैः शिष्टैः ऊहवद्भिः अलुब्धैः
प्रशस्तं कार्यम् ॥ चत्वारः चतुर्णां पारगाः वेदानां
प्रागुत्तमाः त्रय आश्रमिणः पृथग्धर्मविदस्त्रय
एतान् दशावरान् परिषदित्याचक्षते ॥

Vasiṣṭha, III. 20:

आश्रमस्थाः त्रयो मुख्याः पर्षदेषां दशावरा ।

acquired authority as interpreters of *Dharma*. The significance of getting Brahmans to preside over courts of law—the rule that no court was complete, which had not at least three Brahmans in it as judges or assessors—lay in providing a body to which questions involving *Dharma* may then and there be referred for settlement. The function of the Brahman in these cases was only that of *expounder* and not legislator. The king was the legislator, and if he chose to defy and outrage his people's beliefs by doing so, it was still constitutionally open to him to do so, by disregarding *Dharma*, and by even enacting laws against its accepted canons. The courts were *his* courts, and the judges *his* nominees. And, in the earlier ages, while the determination of the facts, the law and the verdict might rest on others in the courts, the king alone, as judge, could pronounce the sentence (*Cf.* Duṣyanta's case in *Śākuntala*). He could also legislate at will, and often did so, though the composition of his ministry, the moral standards of his subjects, and the power of the Brahmans as a class, made it hazardous even for such autocrats, as the ancient Indian emperors, to legislate against the tendencies and beliefs of their times.

Manusmṛti, XII. 110—112:

दशावरा वा परिषद्यं धर्मं परिकल्पयेत् ।
त्र्यवरा वापि वृत्तस्था तं धर्मं न विचालयेत् ॥
त्रैविद्यो हेतुकस्तर्की नैरुक्तो धर्मपाठकः ।
त्रयश्चाश्रमिणः पूर्वे परिषत्स्याद्दशावरा ॥
ऋग्वेदविद्यजुर्विच्च सामवेदविदेव च ।
त्र्यवरा परिषज्ज्ञेया धर्मसंशयनिर्णये ॥

We have now to consider those remaining functions of the State, which in ancient India were generally deemed to be both just and lawful.

Protection.

Among them the first place has to be given to the comprehensive duty of *protection*—the function on which all writers lay most emphasis, as being of the very essence of the State. 'How can he be a *king*, who does not protect the subject?'[191] asks Somadeva. Protection surpasses all regal duties in importance and *religious merit*. 'The protection of the subjects is the king's sacrifice',[192] and 'when the king protects his people in just ways, the skies beneficiently shower all benefits',[193] says Somadeva, and his words will recall to our memory the similar utterances and beliefs in the Jātakas,[194] the

191 *Nītivākyāmṛta*, p. 17: स किं राजा यो न रक्षति प्रजाः ।

192 *Ibid*, p. 105: प्रजापालनं हि राज्ञो यज्ञः ।

193 *Ibid*, p. 66: न्यायतः परिपालके राज्ञि प्रजानां कामदुघा दिशः ।

194 In the Jātaka (vol. ii, 124) the belief is expressed that 'if a king be unrighteous, God sends rain out of season, and in season he sends no rain: and fear of famine, fear of pestilence, fear of the sword,—these three fears come upon men for him.' We are told also (*ibid*. II, 368) that under stress of famine, the populace gathered in the courtyard of the palace to reproach the king and to ask him to 'cause rain to fall.' He was told that when it did not rain, 'former monarchs used to give alms, to keep the holy day, to make vows of virtue, and to lie down seven days in the chamber, on a grass pallet: then the rain would fall.' In Jātaka, No. 526, a story is told to show that a three years' drought was produced by an ascetic's virtue. Jātaka No. 75 illustrates the belief that rain might be made by an act of truth.

For Kālidāsa's belief, see *Raghuvamśa*, I. 26;

Arthaśāstra,[195] in *Manusmṛti*[196] and in Kālidāsa's plays and poems.[197] The king receives his *sixth, ṣaṣṭāmśam*—i.e. taxes—only in return for the protection he gives; and he receives not merely the sixth of the increase of land, but even a corresponding portion of the increase in spiritual merit among his people, as the result of his protection,[198]—clear enunciations of the fee or service theory of taxation, which lies at the root of all reasoned schemes of ancient Indian finance.

This duty of protection is comprehensive and extends not merely to the promulgation and enforcement of ordinary laws but also to the maintenance of *Dharma*, for the latter is held to be as necessary to save the State from unseen and supernatural dangers, as the

195 *See Arthaśāstra*, Bk. IV. ch. 3. (pp. 206—207 of first Mysore edn.) for the different rites to be performed by the king to avert calamities.

196 See, for example, *Manusmṛti*, IX. 246—247:

यत्र वर्जयते राजा पापकृद्भ्यो धनागमम् ।
तत्र कालेन जायन्ते मानवाः दीर्घजीविनः ॥
निष्पद्यन्ते च सस्यानि यथोप्तानि विशां पृथक् ।
बालाश्च न प्रमीयन्ते विकृतं न च जायते ॥

197 *See Raghuvamśa*, I, 26:

दुदोह गां स यज्ञाय सस्याय मघवा दिवम् ।
संपद्विनिमयेनोभौ दधतुर्भुवनद्वयम् ॥

Mallinātha quotes the following verse from 'Daṇḍanīti' to illustrate the above verse of Kālidāsa:—

राजा चार्थान् समाहृत्य कुर्यादिन्द्रमहोत्सवम् ।
प्रीणितो मेघवाहस्तु महतीं वृष्टिमावहेत् ॥

For a similar idea see the *Bhagavad Gītā*, chapter III, verses 10 to 17.
and Mārica's benediction in the last Act of *Śākuntalā*.

198 *See* Sōmadeva—*Nītivākyamṛta* (Bombay edn. p. 18):

परिपालको हि राजा सर्वेषां धर्माणां षष्ठांशमाप्नोति ।

former is needed to prevent the oppression of the weak by the strong. How closely the ideas were allied in practice will be evident from the perusal of the elaborate rules and devices outlined by Kauṭilya to save the State from external aggression and internal tumult (provided against by the maintenance of adequate forces), confusion springing up from haziness regarding personal rights and duties (warded off by the definition and promulgation of law), the want of competent authorities to redress injustice and award just relief to the oppressed (met by the establishment of tribunals and magistrates), and the protection of the State against dangers like famines,[199] fires and floods, mortality of cattle and epidemics among men as well as the insolvency of the State, growing out of an increasing poverty of the people, and the increase of unemployment, poverty, vagrancy, vice and crime.

Its Scope.

It is, therefore, under this comprehensive head of *Protection* that we have to bring all the work of the ancient Indian State in the departments of what we should now call the Church, Education, Poor relief[200] the Police, Criminal and Civil Justice, Legislation, Medical relief, Public works,[201] the Army and the Navy, and the consular and diplomatic service—for all of which, suitable provision is found in our works on polity, as well as in the actual ancient Governments of our land, as one may judge thereof from the references in the inscriptions and in Kalhaṇa's *Rājataranginị* to the existence of departments and officers for the discharge of these multifarious duties.

199 *Arthaśāstra*, Bk. V. ch. 3 entitled.

उपनिपातप्रकारः.

200 *Ibid*, II, ch. 8—9.
201 *Ibid*, II. ch. V.

Public Finance.

The operations of the State, as thus described, necessitated the maintenance of an elaborate fisc, and the evolution—in a complete scheme of Government such as we find described in Kauṭilya's *Arthaśāstra*[202]—of many departments or offices for carrying out allied minor functions, like standardization (e.g. of weights and measures), registration, statistical enquiries and the census (for which elaborate rules are given by Kauṭilya), and sanitary measures. The functions, as thus conceived, naturally entailed heavy expenditure. At the same time, such expenditure was somewhat larger than it would be at the present day, under similar heads, on account of the accepted religio-political justification therefor. As through the operation of the same mixture of religious and political motives in administration, large immunities from taxation were claimed for and granted to Brahmans,[203] to ascetics, to women, to religious corporations and sacred foundations as holders of property, and even to courtiers and influential public servants, as the right of escheat was restricted to non-brahmanical properties, and as lastly the channels and rates of taxation were largely fixed, a condition of affairs emerged in which a progressive expenditure had to be constantly reconciled with an income that appeared to be largely inelastic. When we

202 See particularly books II and ch. 3 of Bk. V.

203 *See Manusmṛti* VII. 133—136 and VIII. 394 and parallel, statements in *Āpastamba*, II, 26, 10—15, and 25, 11, *Gautama* X. 9 *Vasiṣṭha* XIX, 23—4, *Viṣṇusmṛti* III. 26, 79 and *Yājñavalkya* III, 44, as well as *Arthaśāstra*, XIII. 5: e.g.

सर्वत्राश्रमपूजनं च । विद्यावाक्यधर्मशूरपुरुषाणां
भूमिद्रव्यदानपरिहारान् कारयेत् ।

remember that the accepted political opinion of the times laid much store by the possession of great reserves or hoards in the treasury, writers like Śukra going so far as to recommend the saving of 18 per cent of the total and 50 per cent of the land revenue collections, every year,[204] and we recollect also the heavy cost of the army, which was *paid in cash,* and accounted for over 52 per cent of the revenue, according to Śukra, we can realize how it became the principal object of concern to our old administrators and political theorists to discover ways and means by which a *full* treasury might always be maintained, *without direct violation* of the accepted canons of taxation and State duty.

It is on this account that our writers on polity have to devote so large—and apparently disproportionate,—

204 *See Śukranītisāra,* I. 631—5:

ग्रामस्य द्वादशांशेन ग्रामपान् सन्नियोजयेत् ।
त्रिभिरंशैर्बलं धार्यं दानमर्धांशकेन च ॥
अर्धांशेन प्रकृतयः ह्यर्धांशेनाधिकारिणः ।
अर्धांशेनात्मभोगश्च कोशोंशेन स रक्ष्यते ॥
आयस्यैवं षड्विभागै र्व्ययं कुर्यात् तु वत्सरे ।

and *ibid,* IV, vii, 52—59:

धारयेन्नृपति स्सम्यक् वत्सरे लक्षकर्षभाक् ।
संभारदानभोगार्थं धनं सार्धसहस्रकम् ॥
लेखकार्थे शतं मासि मंत्र्यर्थे तु शतत्रयम् ।
त्रिशतं दारपुत्रार्थे विद्वदर्थे शतद्वयम् ॥
साद्यश्वपदगार्थं हि राजा चतुःसहस्रकम् ।
गजोष्ट्रवृषनालार्थं व्ययीकुर्यात् चतुश्शतम् ॥
शेषं कोशे धनं स्थाप्यं राज्ञा सार्धसहस्रकम् ।

a part of their works to the consideration or suggestion of such questionable means of adding to the State's revenue as some of those, which Kauṭilya describes with such welcome fulness of detail.[205] It is mainly on this account that benevolences, and the fruits of trickery, as well as the existence of State-workshops, institutions for foreign and municipal trade maintained by the State for its own profit, the monopolies in the manufacture and sale of intoxicants, in precious stones and metals, in horses and elephants (referred to by Megasthenes), in salt, in the produce of mines and the forests, the institution of State brothels and gambling dens, and the complicated tariff of import and export duties were all equally acceptable to writers like Kauṭilya, who, apparently reflecting the practice of their day, do not hesitate even to recommend them.

It is also on this ground that our writers on polity insist, with wearisome iteration, on the king's duty to look *daily* into the balance sheet of his income and expenditure.[206] This aspect of the matter has now to be urged with some vigour, as the undeniably onerous

205 *See* the whole of Bk. II of the *Arthaśāstra*, and Bk. V. ch. 2, which deals with the replenishment of the treasury (*Kōśābhi-samharaṇam*).

206 *See*, for example, *Yājñavalkyasmṛti*, I. 325—326:

कृतरक्षः समुत्थाय पश्येदायव्ययौ स्वयम् ।
व्यवहारान् ततो दृष्ट्वा स्नात्वा भुंजीत कामतः ॥
हिरण्यं व्यापृतानीतं भाण्डागारे न्यसेत्ततः ।

and *Arthaśāstra*, II. 9:

कर्मसु चैषां नित्यं परीक्षां कारयेत् ।

as also, *Manusmṛti*, VIII 145—6, *Śukranītisāra* I. ll. 551—569 and *Mahābhārata*, *Sabhāparva*, Ch. 89—90.

schemes of taxation—direct and indirect—pictured in the ancient law books and works on polity, have often been taken to confirm the popular view that an Indian State existed merely as a tax-gathering contrivance, and that the collection of taxes was always an end in itself rather than the means to ends. The neglect to consider the bases of the financial schemes of writers like Kauṭilya, as also the omission to take due account of their constant obsession in favour of preserving—*at any cost*—the unity and independence of the State has, in our days, subjected our *Nītikāras* to some of the odium, which has always been the portion of those who have been deemed the counsellors and the advocates of grasping and unscrupulous despotism. When the postulates on which the conclusions of Kauṭilya and other *Nītikāras* are read in relation to their conclusions, and when an attempt is made to judge them by the *whole body,* and not from fragments of their teachings, a correcter and juster estimate of their position and value as sensible, practical-minded, far-seeing and even patriotic politicians would be arrived at, and, as in the case of Machiavelli, so, for them, time would ultimately recover their lost reputation.[207]

The King's daily routine is summarised in Dikshitar's *Hindu Administrative Institutions*, 1929, pp. 94—96.

207 On the revival of Machiavelli's reputation see Lord Morley's '*Machiavelli*' reprinted in his '*Miscellanies*', vol. iv, and A. L. Burd's article in the first volume of the Cambridge Modern History.'

The qualities of Machiavelli's *ideal* Prince are curiously similar to those which Kauṭilya regarded as desirable in the Ruler. Thus, both agree that the Ruler's first business is to save the State; that he should abstain from every vice that might endanger his government; that he must be both lion and fox; that even if he is not really so, he should appear merciful, faithful and religious; that he should not unduly interfere

What was the general effect of the realization of these functions by the ancient Indian State? How is the relation of the State to the individual in ancient India best described, in the language of modern Politics? There are questions that next demand some consideration. Not only is this study justified on the general ground that it is necessary for the historical student to know how a large part of the life of the people in the past was lived, but it is also pressed on us by the facility with which easy answers have been usually discovered to these questions. **Nature of the Indian State.**

To begin with, the mixture of politics and religion, which we find in our old polity, was less a *deliberate and exclusive* feature of it than one it had in common with ancient and medieval society generally. The inclusion of such functions as the upkeep of *Dharma,* in the formal aim of the State, was justified in the view of our ancient politician, mainly because it helped government to be more *stable* in every sense, in the conditions of the age. The king was not a priest nor the expounder of sacred law, though his sanction was perhaps required as much for excommunications as for adoptions of sons by childless people. The Brahman class formed a privileged body, in some respects like the clergy in **Not sacerdotal.**

with the property rights of his subjects, for 'a man will sooner forgive the slaying of his father than the confiscation of his patrimony'; that he should not let excess of trust make him careless, or excess of suspicion make his rule unbearable; that where the safety of the country is at stake, no regard is to be paid to justice or to pity, or to glory, or the converse thereof. The prominent difference between Kauṭilya and Machiavelli is that though he also tries to treat Politics apart from Ethics and Religion, as far as feasible, Kauṭilya is a confirmed believer in the permanence of the moral order of the universe.

medieval Europe, or to take a nearer example like the Nambūdiri Brahmans a few decades ago in Malabar. But, the Brahmans did not form a State within the State, because they had no *organization* fitting them to act *together* or common purposes, under acknowledged leaders. Thus, we arrive at the negative conclusion, that neither 'theocratic' nor 'sacerdotal' would be appropriate terms to describe our old polity by.

Not paternalistic.

Again, the king was frequently exhorted to act like a father (*piteva*) to his subjects,[208] and from this it has been assumed that *paternalism* would fittingly describe the relation of the ancient Indian State to its subjects. Paternalism implies not merely benevolence but the tendency to regard the people as unable—if not unfit—to manage their own affairs. Was this the conception in ancient India? On the other hand, was not individual responsibility—as signified in *Karma*—the note of ancient Indian religion? And, *does* the recognition of custom and usage of a local, family, professional or a corporate kind, warrant our assuming that the State took the view that the subjects were only to be treated as children? The more this point is investigated the more clear will it become that the *paternal* attitude of the State we hear of is only an expression in picturesque form of the wish that benevolence should characterize the relations of the State to the subject, and of the desire to bring home to the people the indissoluble nature of the ties uniting the subject and the State.

208 e. g. *Arthaśāstra*, II. 1:

निवृत्तपरिहारान् पितेवानुगृह्णीयात् ।

Such regulations as those concerning standards of life, the provision of employment for destitute but respectable women, the innumerable restrictions on the liberty of individual action that we read of in Kauṭilya, and the customs-rule that 'whatever causes harm or is useless to the country shall be shut out, and whatever is beneficial to the country, as well as seeds not available in the country, shall be encouraged to come in,' which may be quoted in support of the paternalistic view, are equally explicable on other grounds.[209]

Again, the restrictions on individual liberty were apparently very real, though not such as chafed the people, or obtruded prominently into notice, so long as the machine of Government worked smoothly. The evidence of Fa Hien[210] is clear on this point in regard at least to the best days of the Gupta empire (*circa* A.D. 411), and there is no ground to assume that the conditions were very different in the best days of earlier empires. But, limitation of individual liberty does not by itself constitute paternalism, or socialism or collectivism, to use other descriptive expressions. The aim of the ancient Indian State was less to introduce an **Not socialistic.**

209 *Arthaśāstra* II. 21:

राष्ट्रपीडाकरं भाण्डमुच्छिन्द्यादफलं च यत् ।
महोपकारमुच्छुल्कं कुर्याद्बीजं तु दुर्लभम् ॥

210 See the summary of his observations in V. A. Smith, *Early History of India*, 1904, pp. 258—260:

'With a glance at Chinese institutions Fa-hien congratulates the Indians that "they have not to register their households, or attend to any magistrates and rules." They were not troubled with passport regulations, or, as the pilgrim bluntly puts it: "Those who want to go away, may go; those who want to stop, may stop".

improved *social* order, than to act in conformity with the established *moral* order of the *Universe.* The State again felt no obligation, as a modern State does, to tax the rich to feed the poor, and to regard it as one of its duties to equalize burdens by taxation, and to equalize incomes or rewards through the State control of the production and the distribution of wealth.

Further, the ancient Indian State very decidedly recognized the institution of *private* property and *individual*[211] proprietary right over all forms of wealth, including land. Such an attitude is not socialistic or collectivist, though it may be opposed to pure individualism.

If, therefore, it is necessary to sum up, after these negative conclusions, the several aims and features of our ancient polity, in a single word, we shall have to find an equivalent for the French word, ***Etatisme,*** so as to have it clear that the root principle of our ancient polity was that every function of the State had to be conditioned by and to be subordinated to the need to preserve both Society and the State[212]. This ideal of the State's function carries us in one sense to the best days of ancient Hellas, as in another it brings us to our own times, in which the trend of legislation has been to encroach on the liberty and the rights of the individual, in the name of and for the improvement of the State and Society. Is it of no interest to the student of Indian history to discover in the aims and features of

211 *See Arthaśāstra* Bk. II, ch. 16 and 24.

212 Compare the observations of Sir R. K. Wilson—*The Province of the State,* 1911, *passim* and especially the remarks in the preface.

ancient Indian polity the recognition of this identical conception?

I have to come to the end of my task. As I mentioned at the outset, it has not been my intention to attempt, in this discourse, a general survey of the vast field of our polity, or even a study of all its most conspicuous or pleasing aspects. My aim has been humbler, and it would be realised if these lectures have succeeded in showing the numerous openings and prospects for reflection and research that are now offered to students by the historical study of ancient Indian polity. Conclusion.

APPENDIX I.

Kauṭilya—Names and Personality.

EXCEPT in one place, all references to its author in the *Arthaśāstra* are as Kauṭilya (or Kauṭalya). The one exception occurs in the *gātha* at the end of the work, where the author is referred to as Viṣṇugupta:

दृष्ट्वा विप्रतिपत्तिं बहुधा शास्त्रेषु भाष्यकाराणाम् ।
स्वयमेव विष्णुगुप्तश्चकार सूत्रं च भाष्यं च ॥

Dr. Jolly (*Introdn.,* Vol. I, of p. 45 of his edn. of *Arthaśāstra*) leaves the question of the authorship of this *gātha* open, but Dr. Jacobi (*Indian Hist. Quarterly,* 1927, p. 675) refers to it as 'anonymous'. Viṣṇugupta occurs as another name for Kauṭilya in the *Kāmandakīya, Mudrārākṣasa, Daśakumāracarita* and other classical works. Dr. Jacobi states that, as far as he could discover, the Prākrit and Jaina works alone use the name Cāṇakya and he stresses the omission of Kāmandaka to use this form. "The puzzle is that the name Viṣṇugupta in Sanskrit literature, and Cāṇakya, originally in Prākrit literature, should appear not before many centuries after Kauṭilya's time. These names may have belonged to different persons living at an interval of some centuries, and the traditions about the earlier man may have been transferred to the later one, as frequently happens in political as well as literary history e.g. Vararuci and Bhartṛhari, have been confounded with one another. It may be imagined that there was once a popular Prākrit poet called Cāṇakya, whom the people afterwards confounded and identified

with Kauṭalya, the famous author of the science of politics". (*ibid.* p. 676).

Dr. Jacobi's view, stated above, has been expressed in connection with his examination of pseudo-Kauṭilyan literature, such as the *Caṇakya-sūtrāṇi*. The reference in the oldest portion of the *Mahāvaṁśa* to the part played by Cāṇakya in the revolution, which placed Candragupta on the throne, is an earlier equation of Kauṭilya-Viṣṇugupta and Cāṇakya, than the literary sources can show.

The crux of the problem of identity, however, is to find an explanation for the use of *Kauṭilya* as a name to describe himself, when, if tradition is to be believed, his personal name was Viṣṇugupta.

It is submitted that the true explanation is to be found in the Brahmanical belief in the impropriety of repeating one's own name or that of his *guru* or father:

आत्मनाम गुरोर्नाम नामातिकृपणस्य च ।
श्रेयस्कामो न गृह्णीयात् ज्येष्ठापत्यकलत्रयोः ॥

Under the rule, it would be natural for Viṣṇugupta to refer to himself, as a Vātsyāyana, so long as his grandfather was alive (जीवति पितरि युवा Pāṇini), and as Kauṭilya afterwards, and for his followers to refer to him by his own name or by some descriptive synonym.

The various names by which Kauṭilya is known in Indian tradition and literature are given in the following verses from the *Abhidhāna-cintāmaṇi* of the

Jaina monk Hèmacandra, A.D. 1088—1172 (p. 34, verses 853 (b)—854 (a) in Bombay ed., 1896).

वात्स्यायनो मल्लनागः कौटिल्यः चणकात्मजः ।
द्रामिलः पक्षिलस्स्वामी विष्णुगुप्तोऽङ्गुलश्च सः ॥

cf. also Yādavaprakāśa's *Vaijayantī* (*circa* A.D. 1100), ed. Oppert, 1893, p. 96:—

वात्स्यायनस्तु कौटिल्यो विष्णुगुप्तो वराणकः ।
द्राविलः पक्षिलस्स्वामी मल्लनागोऽङ्गुलोऽपि च ॥

In regard to the name *Cāṇakya,* the *pūrva-pīṭika* of Viśākhadatta's *Mudrārākṣasa* gives a story in explanation. Viṣṇugupta, i.e., Kauṭilya, along with his parents, was imprisoned in a dungeon by the Nanda ruler, and they had nothing to live upon but gram (*caṇaka*) ; hence the name Cāṇakya. But, as Dr. Rajendra Lal Mitra, who has given the story, *Journal of the Bengal Asiatic Society,* vol. 52, (1883), p. 268, has pointed out, the preface in question is of modern composition (though the play should on the available evidence be dated early in the 4th century A.D.), and Hèmacandra's reference to Kauṭilya as 'the son of Caṇaka' shows that the name is clearly a patronymic.

Dr. Mitra's reading of Hèmacandra's verses gives *Kauṭilya* while the Bombay reading is *Kauṭalya.* Tradition accounts for the name Kauṭilya by deriving it from *Kuṭila* (crooked) cf. *Mudrārākṣasa* (Telang's edition, 1893, p. 61).

कौटिल्यः कुटिलमतिः स एष येन
क्रोधाग्नौ प्रसभमदाहि नन्दवंशः ॥

But if this was the sense of the word, it is not likely that Cāṇakya would use it in speaking of himself—*'iti*

Kauṭilyah', 'na iti Kauṭilyah'—as he does seventy-two times in the *Arthaśāstra.*

"As a student his memory was so strong that he could remember for a fortnight (*pakṣa*) a thesis once told him, and hence his name (*Pakṣila-svāmin* . . . . As Dramila he is known as a 'poet' (Mitra, *ibid.*, p. 268), Tāranātha's *Vācaspatya* renders Dramila as a 'native of the Dramila (Tamil?) country'.

The passages of autobiographical interest in the *Arthaśāstra* are:—

सर्वशास्त्राण्यनुक्रम्य प्रयोगमुपलभ्य च ।
कौटिल्येन नरेन्द्रार्थे शासनस्य विधिः कृतः ॥
येन शास्त्रं च शस्त्रं च नन्दराजगता च भूः ।
अमर्षेणोद्धृतान्याशु तेन शास्त्रमिदं कृतम् ॥
दृष्ट्वा विप्रतिपत्तिं बहुधा शास्त्रेषु भाष्यकाराणाम् ।
स्वयमेव विष्णुगुप्तश्चकार सूत्रं च भाष्यं च ॥

'The rules concerning royal edicts have been made by Kauṭilya for the use of the king of men, in harmony with all the sciences and in accordance with common practice.'

'This work has been composed by the man who rapidly acquired by force knowledge, military power and the earth ruled by Nanda king.'

'Having frequently witnessed the contradictions of commentators on the *Śāstras*, Viṣṇugupta (to avoid the evil) himself composed the aphorism as well as the commentary.'

Kāmandaka's important reference to Kauṭilya is contained in the following verses:—

वंशे विशालवंश्यानां ऋषीणामिव भूयसाम् ।
अप्रतिग्राहकाणां यो बभूव भुवि विश्रुतः ॥
जातवेदा इवार्चिष्मान् वेदान् वेदाविदां वरः ।
योऽधीतवान् सुचतुरः चतुरोप्येकवेदवत् ॥
यस्याभिचारवज्रेण वज्रज्वलनतेजसः ।
पपातामूलतः श्रीमान् सुपर्वा नन्दपर्वतः ॥
एकाकी मंत्रशक्त्या यः शक्त्या शक्तिधरोपमः ।
आजहार नृचंद्राय चन्द्रगुप्ताय मेदिनीम् ॥
नीतिशास्त्रामृतं धीमान् अर्थशास्त्रमहोदधेः ।
समुद्दध्रे नमस्तस्मै विष्णुगुप्ताय वेधसे ॥
दर्शनात्तस्य सुदृशो विद्यानां पारदृश्वनः ।
राजविद्याप्रियतया संक्षिप्तग्रन्थमर्थवत् ॥

'Salutation to the illustrious Viṣṇugupta, who, sprung from a great family the members of which lived like sages, accepting no alms, attained great eminence in the world; who shone like the sacrificial fire; who stood first among those who had grasped the end of the Veda; who by his genius mastered the four Vedas as if they were only one; who by the blazing thunderbolt of his magic, completely overthrew the mountain-like Nanda; who, single-handed, by force of his intelligence, and with a prowess like that of the general of the gods, won the earth for Candragupta, the pleasing prince; and who churned out of the ocean of *Arthaśāstra* the nectar of polity—Salutation to him!'

'Out of love for the royal science, this work has been condensed from the teaching of that excellent master of all knowledge.'

Strong grounds exist for identifying Kauṭilya with Vātsyāyana, the author of the celebrated *Kāma sūtra* (ed. Durgāprasāda, 1900) and perhaps also with Vātsyāyana, the author of the oldest existing commentary on the *Nyāya sūtra* of Gautama.

The belief of later times that Kauṭilya (Viṣṇugupta) wrote on Astrology, is evidenced by Varāhamihira's commentator, Bhaṭṭotpala.

Kauṭilya's proficiency in the entire circle of sciences known during his age in India is evidenced by the encyclopædic range of his *Arthaśāstra,* and if his identity with the author of the *Kāmasūtra* and the *Nyāya-bhāṣya* be established, *that* would only lend confirmation to his reputation for versatile knowledge. It should be mentioned as a significant circumstance that Vātsyāyana in the *Kāmasūtra* also refers to an *Ācārya* and also to a work of Parāśara (who is quoted as an authority in the *Arthaśāstra*) on Erotics. There exists also a *Dharma-śāstra* by a Parāśara as well as a work on Astrology by a Parāśara. Should it be established that the two '*Ācāryaḥ*' (in the *Arthaśāstra* and the *Kāmasūtra*) and the four Parāśarās refer respectively to a single Ācārya and a Parāśara, it would tend to show that the 'schools' of the age did not confine themselves only to certain subjects to the exclusion of others, but attempted to deal comprehensively with all or most of the sciences or subjects of interest in the period.

The references in the Purāṇas to Kauṭilya are contained in the following translation, which Mr. Pargiter (*Dynasties of the Kali Age,* 1913, pp. 69-70) gives of the *reconstructed Purāṇic* texts:—

'As son of Mahānandin by a Śūdra woman will be born a king Mahāpadma (Nanda), who will exterminate all Kṣatriyas. Thereafter kings will be of Śūdra origin. Mahāpadma will be sole monarch bringing all under his sole sway. He will be eighty-eight years on the earth. He will uproot all Kṣatriyas, being urged on by prospective fortune. He will have eight sons, of whom Sukalpa will be the first; and they will be kings in succession to Mahāpadma for twelve years.

'A Brahman Kauṭilya will uproot them all; and after they have enjoyed the earth 100 years, it will pass to the Mauryas.

'Kauṭilya will anoint Candragupta as king in the realm. Candragupta will be king twenty-four years. Bindusāra will be king twenty-five years. Aśoka will be king thirty-six years.'

(For Mr. Pargiter's views as to the date when these accounts were definitely compiled and introduced into the Purāṇas, see p. xxvii of the Introduction to his work.)

Another important reference to Kauṭilya is contained in the following passage, translated from the earlier and older half of the Ceylonese chronicle, the *Mahāvaṁśa* of Mahānāma, (*circa* A.D. 450) :—

'Afterwards, the nine Nandas were kings in succession, they too reigned twenty-two years. Then

did the Brahman Caṇakka anoint a glorious youth, known by the name Caṇḍagutta, king as over all Jumbūdvīpa, born of a noble clan, the Moriyas, when, filled with bitter hate, he had slain the ninth (Nanda) Dhanananda.' (Introduction by W. Geiger, Pali Text Society, ed., 1912, p. 27). The additional information about Kauṭilya, given by G. Turnour (*see* his *Mahāvanso,* 1837, p. xl), and the elaborate extracts quoted by Max Müller, in his *History of Ancient Sanskrit Literature,* (2nd edn., 1860, pp. 281-95), are taken from the *Mahāvaṁśa-ṭīka,* the commentary on the *Mahāvaṁśa,* supposed by Turnour to be also the composition of the author of the *Mahāvaṁśa* itself, but *now* proved by Geiger (abstract translation of his *Dīpavaṁśa und Mahāvaṁśa* in the *Indian Antiquary,* 1906, p. 159) to have been composed only between A.D. 1000 and 1250.

But there existed in Ceylon, in the monasteries, an ancient *Aṭṭakathā-Mahāvaṁśa,* in various recensions, as early as about A.D. 400. Geiger has no doubt (*vide* his *Mahāvaṁśa,* Introduction p. xi) that this work was before the commentator of the *Mahāvaṁśa,* and was equally accessible to his contemporaries, and that 'for this reason, his (the commentator's) statements acquire particular importance.'

The salient statements in the commentary on the *Mahāvaṁśa* regarding Kauṭilya are that he was a learned Brahman of Takṣaśilā, that he amassed a great treasure by debasing the currency, that he was devoted to his mother and implacable in his enmities, that he

had a grudge against the last Nanda who had publicly insulted him, that he was the prime mover in the revolution which overturned the Nanda dynasty and in which he first suffered reverses, and that he continued to be a minister of Candragupta Maurya long after his accession. These particulars are corroborated in the Indian tradition preserved for us in Viśākhadatta's *Mudrārākṣasa* (*c.* fourth century A.D.). As against the Ceylonese tradition that Kauṭilya was a native of Takṣaśīla we have the equally strong tradition in South India that he was born in the peninsula. It is significant that one of the names by which Kauṭilya is known in Indian literature is Dramila, which is explained in the great lexicon, the *Vācaspatya* of Tārānātha, as a native of Dramila, i.e., a portion of the Draviḍa country.

APPENDIX II.

Kauṭilya's Predecessors.

EVIDENCE of the intense intellectual activity of North India in the centuries preceding the invasion of Alexander, is available in abundance in the Jain and Buddhist *Suttas,* and, the somewhat remoter Upaniṣads, as well as in the existence of the ancient original *Sūtras* of the philosophical schools (the *darśanas*) and of the schools of grammar and canonical precept. The descriptions of the Greek observers also reflect the mental stir of the age in India. It is only natural, therefore, to anticipate that such many-sided creative activity should have included discussions on polity: The ancient *Book of the Great Decease* (*Mahā-pari-nibbana-sutta*) even records an occasion when the Buddha's views on the conditions of the prosperous working of the Vṛjjian oligarchies were sought and obtained (Rhys Davids—*Buddhist Suttas,* vol. xi, S.B.E., pp. 3—6). These anticipations are confirmed by the data available in Kauṭilya's *Arthaśāstra.*

Kauṭilya mentions sixteen preceding writers by name, as well as, a seventeenth who is referred to always in the plural as *Ācāryāḥ* over a hundred times. He also refers to his own distinct point of view, in cases where apparently he desired to lay special stress on them, over seventy times. The theory that the latter are merely references by the pupils of Kauṭilya to their Master's views when they revised his work, is rendered untenable by two circumstances:—(1) Kauṭilya claims

to have written every syllable of the work—*sūtra* as well as *bhāṣya* himself, expressly with the wish to avoid any ambiguity in regard to his meaning or teachings (see *Arthaśāstra,* the last verse); and (2) similar expressions occur very frequently, as of personal views, in Vātsyāyana's ancient Kāmasūtra (ed. Durgāprasāda, 1900):

e.g. p. 72.

तद्योषिन्मित्राश्च नागरकाः स्युः इति वात्स्यायनः ।

and p. 84.

अभियुक्ताहमनेनेति युवतिः इति वात्स्यायनः ॥

Of the writers quoted by Kauṭilya, two, viz. Ghoṭakamukha and Cārāyaṇa are also referred to in Vātsyāyana's *Kāmasūtra.* In regard to the school of Bhāradvāja, to which Kauṭilya refers, it is noteworthy that Patañjali, the great grammarian, refers to the followers of Bhāradvāja as authorities (see *Mahābhāṣya,* ed. Kielhorn, vol. I. pages 136, 201 and 291). The Parāśarās, to whom Kauṭilya refers, are also known as a school of astronomers. Taken with the proofs of versatile knowledge to be found in our early *Sūtra* and *Bhāṣya* literature relating to *Arthaśāstra, Vyākaraṇa,* and *Kāmaśāstra,* these facts may tend to support the hypothesis that the 'schools' were engaged in giving instruction in a *circle of sciences* and were not composed of specialists, who confined themselves to *single* subjects or sciences.

Vātavyādhi, the name of one of the previous writers referred to by Kauṭilya is also one of the names of

Uddhava, the friend and relation of the Divine Kṛṣṇa, according to the Purāṇas. He is there spoken of as an adept in policy and administration, and this view has been accepted by the poet *Māgha,* who in his *Śiśupālavadha,* makes him a minister of Kṛṣṇa.

APPENDIX III.

LITERARY REFERENCES TO THE ARTHAŚĀSTRA.

Daṇḍin and Bāṇa on Kauṭilya.

FOR the famous ironical passages on Kauṭilya's *Arthaśāstra* in Daṇḍin's *Daśakumāracarita,* see *ibid.,* ed. Buehler, vol. II, pp. 51—5. The passage has been compared by Mr. Shāma Śāstri with the appropriate portions in the *Arthaśāstra* (*see* his Sanskrit Introduction to his edition of the *Arthaśāstra* pp. vi—vii). For Bāṇa's (*circa* A.D. 630) reference to Kauṭilya's work, see his *Kādambari,* ed. Peterson, 1889, vol. i, p. 109. The passage runs thus:—

किं वा तेषां सांप्रतं येषां अतिनृशंसप्रायोपदेशनिर्घृणं कौटिल्यशास्त्रं प्रमाणं, अभिचारक्रियाक्रूरैकप्रकृतयः पुरोधसो गुरवः, पराभिसंधानपराः मन्त्रिणः उपदेष्टारः, नरपतिसहस्रभुक्तोज्झितायां लक्ष्म्यां आसक्तिः, मारणात्मकेषु शास्त्रेषु अभियोगः, सहजप्रेमार्द्रहृदयानुरक्तभ्रातरः उच्छेद्याः ।

The Pañcatantra and Kauṭilya.

The *Pañcatantra* has the following references to Kauṭilya and the Cāṇakya legend:—

(१) ततो धर्मशास्त्राणि मन्वादीनि, अर्थशास्त्राणि चाणक्यादीनि, कामशास्त्राणि वात्स्यायनादीनि ।

(ed. Kielhorn, 1896, I. p. 2).

(२) कूटलेख्यैः धनोत्सर्गैः दूषयेत् शत्रुपक्षजम् ।
प्रधानपुरुषं यद्वत् विष्णुगुप्तेन राक्षसः ॥

(Part II, ed. Buehler, 1891, p. 65).

(३) बुद्धेर्बुद्धिमतां लोके नास्ति अगम्यं हि कंचन ।
बुद्धया यतो हताः नन्दाः चाणक्येनासिपाणयः ॥

(Part III, ed. Buehler, 1891, p. 50).

स औशनसबार्हस्पत्यचाणक्यमतवित्तदनुष्ठाता ।

(*ibid.* p. 57).

Further references to Kauṭilya in later literature.

1. Medhātithi (eighth or ninth century A.D.), the author of the oldest extant commentary on Manu, in commenting on *Manusmṛti,* VII, 43, takes an alternative reading तद्विद्भ्यः for त्रैविद्येभ्यः and explains it by referring to Cāṇakya as the type of the teachers alluded to. (*See* V. N. Mandlik's edition of *Manusmṛti,* p. 774.)

In the same passage he refers to the views of *Bārhaspatyāh,* in elucidating *vārtā* (the principles of commerce and industry), showing that the teachings of this ancient school of polity, to which Kauṭilya himself refers, continued to be known at least down to Medhātithi's day. Kāmandaka also appears to have known Bṛhaspati's work.

2. Kṣirasvāmin, an old commentator on Amarasimha's famous lexicon, who is long anterior in date to Vandhyaghatiya Śarvānanda (A.D. 1159), whose own commentary on *Amara,* named *Ṭīkā-sarvasva* (Trivandrum Sanskrit Series)—in commenting on Canto II, verse 21 of Amara, viz.

उपधा धर्माद्यैः यत्परीक्षणम् ।

says:—

यत्कौटिल्यः—"उपधाभिः शौचाशौचज्ञानं अमात्यानाम्"

(Kauṭilya, p 16).

3. The *Ṭīka-sarvasva* of Vandhyaghatīya Śarvānanda paraphrases a passage in Kauṭilya (p. 302, ll. 14—18), when commenting on *Amara* II, 10, and refers it to '*Arthaśāstra*.' As the passage in question is not to be found in Kāmandaka, it is probably either a variant of the published reading in Kauṭilya, or it is a paraphrase of the passage.

4. Dinakara Miśra, whose commentary on Kālidāsa's *Raghuvaṁśa* was composed, according to his own express statement, in A.D. 1385, quotes Kauṭilya, when commenting on *Raghuvaṁśā*:—III, 12 (*vide* p. 18 of Appendix in S. P. Pandit's edition of *Raghuvaṁśa*, 1874).

5. Cāritra-vardhana, an older commentator, whom Dinakara quotes, has referred to Kauṭilya in commenting on III. 13, IV. 21, and XVII. 56 of *Raghuvaṁśa*.

6. Mallinātha's references to Kauṭilya are to be found in his comments on the following passages of *Raghuvaṁśa* :—III. 29, 35, IV—35, VIII. 21, XV. 29, XVII. 49, 55, 56, 76, 81, and XVIII. 49. It is noteworthy that he quotes a maxim from the popular *Cāṇakya-nīti* also in commenting on I. 22. The quotation ascribed to Kauṭilya by Mallinātha, in his comments on *Raghuvaṁśa*, XV. 29, is ascribed to *Cāṇakya* by Mallinātha's predecessor Dinakara, thereby showing the belief then current in the identity of

Kauṭilya and Cāṇakya. Cāritravardhana also does so in his comments on III. 29, 34, XV. 29, and XVIII. 14.

7. For the quotations in Nārāyaṇa's gloss on Aruṇācala's commentary, *see* the commentary, on *Kumārasaṁbhava,* Cantos I. 29, II. 31, 31 (Gaṇapati Śāstri's edition, 3 vols., Trivandrum, 1913—4).

8. Jīmūtavāhana's *Vyavahāra-Mātrika,* whose discovery and publication (1912) we owe to Sir Asutsoh Mukhopadhyaya, quotes a certain Kauṇḍinya six times (cf. *ibid.,* p. 288, and pp. 340—1). One of these is a quotation from Kauṭilya (p. 174), while the others are identical in substance with another passage in Kauṭilya (p. 148). It is thus evident that Kauṭilya's work was available to the great founder of the Bengal School of Hindu Law who did not refuse to quote an *Arthaśāstra* (*pace* Yājñavalkya) in a work on Dharma. A comparison of the different quotations from Kauṭilya in each of the three above commentaries will correct the argument, which may be put forward, that the quotations from Kauṭilya may have been merely obtained from their predecessors by the later commentators. It is clear from such a comparison that the *Arthaśāstra* was available *equally* to Dinakara, Cāritravardhana and Mallinātha. It is also noteworthy that though Kāmandaka's *Nītisāra* is quoted in the commentaries (of these writers) on as many as twenty-one passages of *Raghuvaṁśā,* in nineteen cases out of the twenty-one, the quotations from Kāmandaka do not cover the same ground as those from Kauṭilya. This would imply the deliberate preference

for the older authority, when both the original and the later writer were available.

Divergent views have been held as to the date of this great jurist. Jolly assigns him to the 15th century. (*Rechte und Sitte*, p. 37). Mr. P. V. Kane, after a full discussion of the evidence, affirms that Jimūtavāhana's literary activity lay between 1090 and 1130 A.D. (*Hist. of Dharmaśāstra*, 1930, p. 326). *See* also Mana Mohan Cakravarti's article in *JASB*, 1915, pp. 321-327.

9. Hemādri in *Caturvargacintāmaṇi*, *Dāna-Khanda*, p. 117 quotes from the *Kauṭilīya* on weights and measures (II, 19, p. 103), but refers to the citation as from Viṣṇugupta.

APPENDIX IV.

PHILOLOGICAL DATA FOR THE DATE OF KAUṬILYA'S ARTHAŚĀSTRA.

In the Śāsanādhikāra, (II. 9.), Kauṭilya states that the alphabet consists of sixty-three letters, (अकारादयो वर्णा स्त्रिषष्टिः); and the number given by Kauṭilya would agree with those given by the Vedic *Prātiśākhyas,* and not with the teaching of Pāṇini, whose fourteen alphabetical *sūtras* enumerate only forty-two letters, viz., nine vowels and thirty-three consonants. The following passages of the *Śikṣā,* appended to Pāṇini's work, do indeed describe the alphabet as sixty-three or sixty-four in number, but, the attribution of the *Śīkṣā* to Pāṇini is unjustifiable:—

त्रिषष्टि श्चतुर्षष्टि र्वा वर्णाः शंभुमते मताः ।
प्राकृते संस्कृते चापि स्वयं प्रोक्ताः स्वयंभुवा ॥
स्वरा विंशतिरेकश्च स्पर्शानां पंचविंशतिः ।
यादयश्च स्मृता ह्यष्टौ चत्वारश्च यमाः स्मृताः ॥
अनुस्वारो विसर्गश्च ≍क≍पौ चापि पराश्रितौ ।
दुःस्पृष्टश्चेति विज्ञेय ऌकारः प्लुत एव च ॥

2. Kauṭilya in the following passage, classifies the parts of speech as four:—

वर्णसंघातः पदं । तच्चतुर्विधं नामाख्यातोपसर्गनिपाताश्चेति । तत्र नाम सत्त्वाभिधायि । अविशिष्टलिंगमाख्यातं क्रियावाचि । क्रियाविशेषिताः प्रादयः उपसर्गाः । अव्ययाश्चादयो निपाताः ॥

These may be compared with the following passage from the *Prātiśākhya* of (XII. 5) :—

नामाख्यातमुपसर्गो निपातश्चत्वार्याहुः पदजातानि शब्दः ।
तन्नाम येनाभिदधाति सत्त्वं तदाख्यातं येन भावं स धातुः ।
प्राभ्या परा निर्दुरनु व्युपाप संपरि प्रतिन्यत्यधि सूदवापि ।
उपसर्गा विंशतिरर्थवाचकाः सहेतराभ्यामितरे निपाताः ॥
क्रियावाचकमाख्यातं उपसर्गो विशेषकृत् ।
सत्त्वाभिधायकं नाम निपातः पादपूरणः ॥
निपातानामर्थवशात् निपातनात् अनर्थकानां इतरे च सार्थकाः ।
नेयंत इत्यस्ति संख्येह वाङ्मये मिताक्षरे चाप्यमिताक्षरे च ये ॥

The same division is adopted by Yāska; see for instance the following passage at the commencement of his *Nirukta* :—

तद्यान्येतानि चत्वारि पदजातानि नामाख्याते चोपसर्गनिपाताश्च तानीमानि भवन्ति । तत्रैतन्नामाख्यातयोर्लक्षणं प्रदिशन्ति भावप्रधानमाख्यातं सत्त्वप्रधानानि नामानि । तद्यत्रोभे भावप्रधाने भवतः पूर्वापरीभूतं भावमाख्या तेनाचष्टे व्रजति पचति इत्युपक्रमप्रभृति अपवर्गपर्यन्तं मूर्तं सत्त्वभूतं सत्त्वनामभिः व्रज्या पक्तिरित्यद इति सत्त्वानामुपदेशो गौरश्वः पुरुषो हस्तीति भवतीति । भावस्यास्ते शेते व्रजति तिष्ठतीति ॥ इन्द्रियनित्यं वचनमौदुंबरायणः ।

See also his observations (page 139 of the Ajmir edition of the *Nirukta*) on the following *Rik* :—

चत्वारि वाक्परिमिता पदानि तानि विदुर्ब्राह्मणा ये मनीषिणः ।
गुहा त्रीणि निहिता नेङ्गयन्ति तुरीयं वाचो मनुष्या वदन्ति ॥

According to Pāṇini (e.g. सुप्तिङन्तं पदम् I—4—14), and followers of Pāṇini like Amara (e.g. सुबन्तं च तिङन्तं च पदम्), there are only *two* parts of speech. Kauṭilya's classification is therefore distinctly *pre-Pāṇinian*.

3. Kauṭilya uses the word अव्यय in the masculine, while, as will be evident from the following, Pāṇini treats the word as of the neuter gender:—स्वरादि निपातमव्ययम् 1-1-37 स्वरव्ययम् I—1—6 and क्लीबाव्ययं त्वपदिशम् I—3—5.

In the *Liṅgānuśāsanam,* appended to editions of Pāṇini, it is stated that the word *Avyaya,* classified therein under the masculine gender, may be *also* of the neuter gender:—

५४. गोमयकषायमल्यान्वयाव्ययानि नपुंसके च ।

The *Liṅgānuśāsanam* is ascribed to Pāṇini, but its authenticity as a work of Pāṇini is emphatically denied by many grammarians. (See S. K. Belvalkar, *Systems of Sanskrit Grammar,* 1915, p. 27.)

From the above data it may be presumed that Kauṭilya's work was composed during a period in which Pāṇini's work was either unknown or had not attained wide celebrity and influence. If the date generally ascribed to Pāṇini, viz. *circa* 350 B.C. is correct, the above inference would prove not less valid than if we accept *c.* B. C. 500, following Goldstuecker and Sir R. G. Bhandarkar.

It is significant that Patañjali (*circa* 150 B.C.) adopts in the *Mahābhāṣya* (Vol. I, p. 3, ed. Kielhorn), the four-fold classification of the parts of speech, which Pāṇini apparently rejected.

H. Jacobi (*Ind. Ant.* 1924) has stressed the close resemblance between Kauṭilya's definitions of *Upasarga* and *nipātah* and *Pāṇini* I, 4, 59, 59, I. 4, 56, 57 and I. 1. 37, to urge that in Kauṭilya's day, Pāṇini was recognised as a grammatical authority. The resemblances

have to be taken along with the differences of points of view between Kauṭilya and Pāṇini to determine their relative chronological position. If this is done, the conclusion set forth in this note will be confirmed.

In Appendix III to the third and concluding volume of his edition of the *Arthaśāstra*, Dr. Gaṇapati Śāstri has given a list of 32 grammatical irregularities, judged by the canon of Pāṇini, to which, following custom, he has given the title "ārṣa-prayōgam" (lit. usage of ancient *ṛṣis*). These include: *four* cases of irregular gender (*rajjunā*, II. 152—3; *Arālā*, III. 215—3.; *Amitram*, II. 298--3; and *Sarpanirmokam*, III. 215–7); four cases of irregular formation (*Khādirābhih*. III. 232, 16; *Anyatamasmin*, II. 259–3; *Pārañcīkam*, II. ·107–6; *Mārgāyukah*, I. 334–1); *five* cases of irregular compounds, *Jaradguh* for *Jaradgavī*, I. 312, 7; *Daśatīrakṣā*, I. 917, 8; (*Ubhayatorātra*, I. 355–6, *Varṣārātram*, II. 129-8; *Paścānhah*, I. 330, 2); ten instances of irregular mood (*Ādeyāt*, I. 3-2; *Ākānkṣeta*, I. 148, 6 and 7; II. 16–9; II. 28, 2 and 6; II. 29, 1, 2, 3, 6, II. 175–2); *ṛdhyatām*, I. 289–2); four cases of irregular form, (*Apkrāntavyam*, III. 164–7; *Anuvāsitam*, II. 97–7; *Praśvāpayitvā*, II. 139-9; *Nistārayitvā*, II. 175-9); irregular use in two cases, (*Pratipatsyāmi*, III. 152–2; *Apavyayate*, II. 6–4); and irregular syntax (*dāpayet*, I. 131–5 with two accusatives). Kauṭilya is a declared purist in language, and it is incredible that he would have gone against the rules of grammar current in his day. It is therefore quite a legitimate inference to regard these instances as pre-Pāṇinian, and it is not proper in such a case as Kauṭilya's to explain them

away, as Dr. Keith has tried to do (*See* p. 26 of Patna Sir Asutosh Memorial Volume, 1928), by suggesting that they are examples of "Careless Sanskrit, such as we find in the epic, the *Purāṇas* and the *Smṛtis.*'

(*N. B.*—The citations are by volume, page and line to Dr. Gaṇapati Śāstri's edn.).

APPENDIX V.

ASTRONOMICAL DATA FOR THE DATE OF KAUṬILYA'S ARTHAŚĀSTRA.

THESE are contained in the twentieth chapter of the second book of the *Arthaśāstra* (pp.106-9). They were examined for me, in 1913, before the lectures were delivered, by the late Professor Raja Raja Varma, M.A. The position of the solstices, as well as the occurrence of intercalary months and other items of the luni-solar calendar, in *Arthaśāstra,* are in agreement with the conclusions of the *Vēdāṅga Jyōtiṣa.* Further, the *Arthaśāstra* refers to the Vedic quinquennial cycle (II. 20 पंचसंवत्सरेा युगमिति) taking the word *yuga* in the sense of a term of five years. (cf. the observations on the five-year cycle in Weber's *History of Indian Literature,* pp. 112–3). Kauṭilya states that days and nights can be shorter or longer than the normal length of fifteen *muhūrtas* (twelve hours) by three *muhūrtas* (i.e. two hours and twenty-four minutes).

पंचदशमुहूर्त्तो दिवसो रात्रिश्च चैत्रे मास्याश्वयुजे मासि भवतः । ततः परं त्रिभि र्मुहूर्तैः अन्यतरः षण्मासं वर्द्धते ह्रासते च इति । (II 20.) This would be possible only in latitude 35° 27′, *North,*— almost the exact position, to take a concrete instance, of the great Nanga Parbat in Northern Kashmir. Kauṭilya's statement that no shadow is cast at noon in the month of *Āṣāḍha* shows, on the other hand, conditions possible only in the tropics.

Curiously, the thirty-sixth and the twentieth parallels would give roughly the northern and southern limits of the Mauryan Empire in the days of Candragupta.

Subsequent to the delivery of the Lectures, the same astronomical data were, at my request, examined by the late Dewan Bahadur L. D. Swāmikannu Pillai Avargal, M.A., B.L., LL.B., whose observations, as communicated to me in a letter, dated May 31, 1915, and modified by him a year later, after the delivery of his Sir Subrahmanya Aiyar Lectures on 'The Astronomical Basis of Ancient Indian Chronology', are extracted below:—

'I have been looking into those time references in Kauṭilya's *Arthaśāstra*.

'The first statement is that the equinox is in the months of Caitra and Āśvayuja. That is, the vernal and the autumnal equinox respectively. The statement that 'after the period of six months it increases or diminishes by three *muhūrtas*' is deserving of notice. I take it this means that during six months from Caitra to Āśvayuja or from Āśvayuja to Caitra the length of the day-and-night period (*ahorātri*) may vary to the maximum extent of three *muhūrtas* or one and a half *muhūrtas* (= seventy-two minutes) before 6 a.m. and one and a half *muhūrtas* after 6 p.m. (local time). It will be seen from Table XIII appended to my *Indian Chronology* that this condition will be satisfied only *above* the thirtieth parallel of latitude, where a maximum variation of about seventy minutes is attained in the moment of sunrise.

'The statement made lower down in the same chapter of *Arthaśāstra*, that no shadow is cast at midday in the month of *Āṣāḍha* indicates some latitude between 23⅓° and the equator, as a shadowless sun at midday is not possible outside the tropics. Above the tropics the sun is always due south at midday and a shadow must be cast. I am inclined to think that either the book was written within the tropics or that if it was written within the temperate zone, the reflexion that no shadow is cast at midday in *Āṣāḍha* must be an interpolation in a southern text.

' The statements made in *Arthaśāstra* about the solar and lunar months, solar and lunar years, and the intercalary months agree generally with the calendar of the *Jyotiṣa Vedāṅga* with which I have dealt *in extenso* in my University Lectures, delivered at Madras on March 18 and 25, 1916. One thing is clear, the solar year of the *Arthaśāstra* is a year of 366 days and a cycle of five such years (1,830 days) was supposed to contain sixty-two lunar months. This is the fundamental rule of the *Jyotiṣa Vedāṅga.*

' In the *Arthaśāstra,* the solar months consist of thirty and a half days; for it is stated "thirty days and nights with an additional half a day makes one solar month ." Again " the sun carries off one-sixtieth of a whole day every day and thus makes one complete day in every two months."

' The lunar month of the *Arthaśāstra* consists of twenty-nine and a half days, which is expressed by saying that for every thirty days the moon loses one-half

day or one-sixtieth day for every day. The lunar year consisting of $29\frac{1}{2}\times12=354$ days is less than 360 days by six days, whereas the solar year is more than 360 by six days. The difference between the solar and lunar years of twelve days for every solar year becomes thirty days in two and a half years and sixty days in a *yuga* of five years. These periods of thirty days and sixty days are called *adhimāsas.*

'My general impression is that the *Arthaśāstra* was written somewhere *above* the thirtieth parallel of latitude and that it follows the *Vedāṅga Jyotiṣa* throughout as to the calendar.

'In my University Lectures, I have endeavoured to account for the fact that a calendar apparently so faulty as to the length of the solar year, as the *Vedāṅga Jyotiṣa* was, nevertheless, obtained currency from the time when the first observations were made under that calendar (about 1181 B.C., *J.R.A.S.,* 1915, p. 214). I have there shown that the rule as to the addition of two *adhika* months in the course of a *yuga* of five years must have been departed from once in thirty years, when a single *adhika* month was probably inserted instead of two, and that with this practical modification, the measures of time laid down in the *Vedāṅga Jyotiṣa,* as well as in the *Arthaśāstra* were capable of yielding in the course of 160 years, a true sidereal year, a true synodical month and a true sidereal month.

'In his article on the *Vedāṅga Jyotiṣa,* in the *Journal of the Bengal Asiatic Society* for 1877

Dr. Thibaut pointed out that the daily retardation or acceleration of sunrise, between the longest and the shortest day, was obtained generally, during the currency of the *Vedāṅga Jyotiṣa,* by dividing one and a half *muhūrtas* or three *ghaṭikas* by 183 days, which gives an increment or decrement of 23:6 seconds *per diem* for sunrise; roughly one *pala per diem.* In *J.R.A.S.,* 1915, page 217, Dr. Fleet gives this figure as forty-seven seconds, which would apply to the total *ahas,* not to sunrise only. Dr. Fleet (loc. cit.) cites *Dīkṣit* as identifying the locality where the rule was framed with 34°, 46′, 55″, N. Latitude.'

The conclusions of Professor Rāja Rāja Varma and of Mr. Swāmikannu Pillai are thus substantially in agreement. The former was positive that the astronomical knowledge displayed in the *Arthaśāstra* does not indicate any Greek influence. Dr. Burgess (*J.R.A.S.,* 1893, p. 752) considers the *Jyotiṣa Vedāṅga* to preserve for us the main features of Indian astronomical knowledge *before* it was modified or affected by that of the Greeks. And, it is to this work that the astronomical ideas of the *Arthaśāstra* show the greatest affinity. No proof has been assigned by Dr. Burgess for regarding the sexagesimal system as *exclusively* Greek in origin. It is *conceivable* that in this matter, just as in etymological science, (to which Max Müller, '*Ancient Sanskrit Literature,* 1860, p. 161, drew attention) *independent* development may have anticipated in India ideas which later on came to be identified with the discoveries of the Greeks.

In view of the data of the *Arthaśāstra* indicating the composition of the work in a region lying *above* the thirtieth parallel, the tradition (given in the old *Mahāvaṁśā-Ṭīka*) which makes Kauṭilya out to have been a Brahman of *Takṣaśīla* (identified by Sir Alexander Cunningham, *Ancient Geography of India*, 1871, pp. 105–5, with a site near Shahdheri, very nearly on the thirty-fourth parallel) gains a special significance.

APPENDIX VI.

THE AUTHENTICITY OF THE KAUṬILĪYA.*

SINCE the completion of the printing of the Lectures and the Notes contained in the Appendix, I have seen the incisive note of Dr. A. Berriedale Keith in the issue of the *Journal of the Royal Asiatic Society* for January, 1916 (pp. 130–137).

Dr. Keith holds that 'we cannot yet say, save as a mere hypothesis, that the *Arthaśāstra* represents the work of a writer of 300 B.C.' (p. 131), and that 'it may be assigned to the first century B.C., while its matter very probably is older by a good deal than that' (p. 137). 'It is older, of course, than the classical literature, such as Daṇḍin and than the *Tantrākhyāyika,* which uses it freely enough (p. 137). But Hertel's conjectural ascription of the latter to 200 B.C. is 'doubtless at least a couple of centuries too early, so far as the available evidence goes' (p. 137).

The arguments which Dr. Keith brings forward in support of the above conclusions impugning the authenticity of the *Kauṭilīya* fall into two divisions:—(1) a criticism of the principal arguments of Jacobi (*Proceedings of the Royal Prussian Academy of Science,* 1912, pp. 834-849)[1] in proof of the authenticity

*This appeared as an additional Note on pp. 149-153 of the first edn. (1916). It is republished with slight modifications and a supplementary note.

1 A translation of Dr. Jacobi's paper by Mr. N. P. Utkigar has since appeared in *Indian Antiquary,* 1924, pp. 128-36 and 141-146.

of the work; and (2) a brief statement of certain points in the work, indicating 'that the statesman was not the actual author of the book we have'.

The most important of Dr. Keith's criticisms may be considered here briefly.

Jacobi considered that 'the frequent mention of opposing views and the reference to their authors as *ācāryaḥ* is inconsistent with the later authorship.' Dr. Keith contends that 'no weight can be given to this view: if Kauṭilya was polemical, then his school naturally followed his footsteps, and it is quite impossible to assert that *ācāryāḥ* could not be used by his followers of other scholars than their master: this term denotes respect, not obedience, and respect for other scholars, despite disagreement, is not impossible nor unusual in India.'

It is submitted that (1) the term *ācāryaḥ* is only a reference, in the *customary* honorific plural, to the *one* teacher to whom the writer held himself to be spiritually most indebted, (2) that it could not refer to the *body* of previous writers, since there are two instances at least, in the *Arthaśāstra,* in which the views of the *ācāryaḥ* are not only distinguished from those of Kauṭilya, but also from those of Vātavyādhi in one instance (*Arthaśāstra,* p. 261),[2] and those of Bhāradvāja in another (*ibid.,* p. 320), (3) that the relatively large number of cases in which Kauṭilya's views are distinguished from those of *ācāryaḥ* should be held to suggest a personal relation, the views of Kauṭilya being liable to be construed to be

2 The page references of the Arthaśāstra are to the *first* Mysore edn.

identical with the *ācāryaḥ's* unless so distinguished, and (4) that while respect for other scholars, despite disagreement is not unusual in Indian polemical literature, it is thoroughly opposed to Indian practice for the terms *guru* and *ācāryaḥ* to be used in reference to others than a man's own personal teachers and preceptors.

Jacobi had laid stress on the last verses of the *Arthaśāstra,* i, l, and ii, 10, and the three verses at the end of the work which ascribe it to Kauṭilya and the significant harmony of these with the famous notice of the *Kauṭilīya* by Daṇḍin. Dr. Keith objects that Daṇḍin's reference is to a work in 6,000 *ślokas* while the *Arthaśāstra* is mostly in prose.

He denies that the word *śloka* could have been used by Daṇḍin of *prose,* as in the copyist's sense. It may be argued in answer to this criticism that the term is put into the mouth of a character in Daṇḍin's work to describe the *dimension* of Kauṭilya's work and not its literary form, and that the work, even as we now have it, appears to conform to the description of it, as consisting of 6,000 *slokas* of thirty-two syllables each, in the copyist's sense.

Jacobi had contended that the last *śloka* of the *Arthaśāstra* which claimed that it had been composed by the writer 'who impatient of their misuse had saved the *śāstras* and the science of war as well as the earth which had been under King Nanda,' is inconceivable in any one except Candragupta's minister. To this Dr. Keith rejoins that 'these lines are very unlike a statesman, and very like the production of a follower who desired

to extol the fame of his work and of his master.' It has only to be submitted that Indian tradition has uniformly credited Kauṭilya with uncommon *pāṇḍitya* as well as self-consciousness. If the tradition correctly describes Kauṭilya's nature—which in this respect apparently did not differ from that of the average polemical writer of later times, e.g. Jagannātha Paṇḍita—there is no ground for regarding the lines in question as not authentic.

Passing to the consideration of the points, which according to Dr. Keith, would indicate that Kauṭilya was not the author of the book, we have, to begin with, one on which Dr. Keith lays great emphasis, viz., the apparent criticism of a view of Kauṭilya by Bhāradvāja and its immediate refutation by Kauṭilya, which occurs in the course of the discussion of ministerial usurpations, on p. 253 of the *Arthaśāstra*.

The passage however, if read dispassionately, and with a remembrance of the various devices adopted by Kauṭilya to ensure brevity as well as emphasis, will be seen only to be an effective presentation of opposed opinions between two schools of thought put in the form of an argument or discussion. The citation of Kauṭilya's own opinions, in a work which claims his authorship, will also be explicable if it be borne in mind that he regarded himself as making numerous *innovations* in accepted doctrines, especially in those of the school, in which he had been trained, and that the citations occur *only* when a distinction has to be made between Kauṭilya's views and those of others.

Dr. Keith next brings up a somewhat curious argument. He suggests that the name *Kauṭilya* is suspicious for 'it means falsehood', and that 'that it seems a curious name for him to bear in his own work.' In answer to this, may it not be asked whether an insulting expression is more natural from the followers of a school in regard to its founder than from a writer in regard to himself? Is the expression itself really insulting? *Kuṭila mati* may mean 'an intricate mind,' and not 'falsehood,' and might have justified the bearing of the title 'Kauṭilya' in proud acknowledgment of an unselfish and intricate diplomacy, which overthrew a tyrannical dynasty and replaced it by one beginning Cāṇakya's own protege, Candragupta.

If proper names are to be interpreted in accordance with their component verbal elements, leaving modern instances out of consideration, are we to regard such names as *Kutsa* (one of the Seven Sages), *Śunaṣṣēpha, Divōdāsa, Carmaśirah* (one of Yāska's predecessors), etc., as representing such nicknames as the 'Despised one', 'Dog's Tail', 'Time-Server', and 'Leather Head'? The names of Kauṭilya's predecessors appear also like nicknames e.g. Vātavyādhi (he who suffers from gout'), Ghōtakamukha ('horse-faced'), Kauṇapadanta (he who has teeth like a demon), Piśuna ('Spy'), Bāhudantiputra (Son of the woman whose teeth were as long as the arm) etc. "This mode of bestowing names," says Jacobi, "throws a peculiar light on the literary etiquette of that time, the traces of which are to be moreover discovered in the Upaniṣads."

Reference might be made to vol. i, p. 207, of Rādhakānta's *Śabdakalpadruma,* where the word Kauṭilya is derived so as to mean a member of the Vatsa Gotra. This is in accordance with the Mādhavīya *Gotra-pravara-nirṇaya*:

अस्तु, कौटल्य इति वा कौटिल्य इति वा चाणक्यस्य गोत्रनामधेयं; तथापि वात्स्यायन शब्दप्रतिपाद्यत्वम् ।

(p. 338). Gaṇapati Śāstri, following the Nānārtha-saṁkṣepa of Kṣīrasvāmin, prefers the form Kauṭilya (born in the *Kuṭala* goṭra), which he found in his manuscripts of the *Arthaśāstra.*

अथ स्यात्कुटलो गोत्रकृत्यृषौ पुंसि नपुंसकं ।
विद्यादाभरणेऽस्थत्रिः कुटिलं कुञ्चिते भवेत् ॥
तगरेतुक्री तगरपादिकायां स्त्रियामिति ।

In conversations with me, he used to derive *Kauṭilya* from *Kuṭilā* (a river), and applying Pāṇini's aphorisms IV. ii. 16, and IV. iii. 54, make out that *Kauṭilya* is a name applied to Cāṇakya to denote the locality of his birth. The river *Sarasvati* is named *Kuṭilā.*

Dr. Keith suggests another objection, viz. the use of the name *Cina* in the *Arthaśāstra,* which would be remarkable if the name China is derived from the Tsin Dynasty which began to reign in 247 B.C. He is, however, willing to concede that the word may have been interpolated. It has only to be pointed out that the derivation of the name China from the dynasty of Tsin has been held to rest on very doubtful authority. (See *Encyclopaedia Britannica,* eleventh edition, vol. vi, p. 188). Jacobi regards the passage as genuine and as

effectively disproving the popular derivation of 'china' from the Tsin dynasty.

A fifth argument of Dr. Keith is that the *Arthaśāstra* agrees very closely in form with the *Kāmaśāstra* of Vātsyāyana, which Jacobi would assign to the third century A.D. Dr. Peterson on the other hand, argued, so long as 1891, that the *Kāmasūtra* must be dated about the beginning of the Christian era, if not from about 57 B.C. The Indian tradition which makes *Vātsyāyana* a synonym for Kauṭilya may be remembered in this connection.

Dr. Keith's last argument is based on the use of correct Trṣtubh stanzas in regular metre in the *Arthaśāstra*, as well as on his impression that the language of the work is not markedly archaic. How is this to be reconciled with the observation of grammarians who have noted the un-Pāṇinian data in the *Arthaśāstra*? It is assuredly somewhat hazardous to attach, in the present state of our knowledge, so much importance to mere *impressions* of metre and style, when the evidence from so many other divergent points tends in the same direction of confirming, as indicated in these Lectures, the tradition regarding the authentic nature of the *Arthaśāstra*.

II

Since the publication in 1916 of the above Note on pp. 149–153, of the first edition of the present work, there has been a perennial flow of articles and monographs on the *Arthaśāstra*. In several of these, attempts have been made to question its authenticity afresh. Till

1915, the opposed sides were represented by Hillebrandt and Jolly, who denied, and Jacobi, who affirmed, the authenticity. In 1916, in the article which he then contributed to the *Journal of the Royal Asiatic Society* (examined in the above Note), Dr. Keith ranged himself with the sceptics. In subsequent writings on the subject, e.g. his '*History of Sanskrit Literature,*' (1928) and his contribution to the Patna *Asutosh Commemoration* volume (1926-8), Dr. Keith has re-affirmed his disbelief in emphatic language. In 1924, Jolly marshalled the chief arguments against the traditional view, in the valuable introduction he contributed to his edition of the *Arthaśāstra,* in the Punjab Sanskrit Series. In his *History of Sanskrit Literature,* and later in his Calcutta *Readership Lectures* (1924), Winternitz repeated and added to the arguments against the authenticity. O. Stein had subjected in 1921 the inter-relation of the ideas of the *Kauṭilīya* and Megasthenes to a detailed examination. In 1925, he followed up the criticism with a learned note on *Suraṅga* (subterranean passage), which occurs four times in the *Arthaśāstra,* and declared that this word was derived from the Greek word *Syrinx,* which occurred in literature and inscriptions only from the 2nd century B.C. In 1928, Stein tried to show that as the geographical knowledge displayed in the *Arthaśāstra* was more extensive than that of the *Bṛhatsaṁhita,* it would necessitate the *Kauṭilīya* being dated later. In 1931, Dr. Prān Nāth, of the Benares Hindu University, claimed to have demonstrated, on an alleged reference to the Huns in the *Arthaśāstra* and on some other

grounds, that the treatise was composed about 500 A.D. Winternitz and Jolly are inclined now to date the work in the 3rd century A.D., while on the basis of a comparison with some Buddhist and Jaina works, Mr. E. H. Johnston would not accept for the Arthaśāstra a date earlier than Aśvaghoṣa's (first century A.D.) or later than 250 A.D.

The tradition has not missed supporters in recent years. Winternitz's views were elaborately examined in 1924 by Dr. Narendranath Law. Dr. Gaṇapati Śāstri also examined them with Jolly's views in the introductions to the Trivandrum edition of the *Kauṭilīya* (1924-25). Jacobi's defence of the tradition in 1911 and 1918 was translated in the *Indian Antiquary* (1924). This and the elaborate vindication of the authenticity in J. J. Meyer's monumental German version of the *Arthaśāstra* (1926) in which 36 pages were devoted to this question alone, have helped to balance the opposed arguments.

The chief grounds on which the authenticity has been questioned, over and above those examined in my Note of 1916, are dealt with below:—

Tradition makes Kauṭilya a successful statesman of a large empire and a king-maker. Winternitz is unable to see in the *Arthaśāstra,* ascribed to Kauṭilya, anything but the narrow vision, limited experience and pedantry of a *paṇḍit.* He is incredulous of the possibility of an 'Indian Bismarck' finding the time (or the inclination) to compose a formal treatise of this type. The administrative and political data found in the work indicate also, in Winternitz's opinion, a small kingdom,

and not an empire like that of Candragupta. As against these dicta, Jacobi and Meyer hold that the *Arthaśāstra* displays uncommon administrative knowledge and experience, such as one would naturally expect in the work of a versatile and learned man, who was also a gifted practical statesman. Views based on personal impressions are difficult to dislodge. It has to be remembered that the *Arthaśāstra* has adopted a recognized literary form, and that it was composed in strict accordance with the literary conventions determining this kind of composition. Its form, if not its aim, is scholastic. Kauṭilya was admittedly a *paṇḍit*, before he became an administrator. It will be idle to deny that an exceptionally able and versatile man, who had proved, by his own achievements, how a scholar could be also a successful statesman, *can*, if need be, turn author, and compose a treatise in which he seeks to expound old views in the light of his own experience. Royal authors like Harṣa, Bhoja, Someśvara, Pratāparudra and Kṛṣṇadevarāya found time in the midst of their wars to compose literary or Śāstraic works, which have come down to us. What was historically possible for Ministers of State like Hemādri, Sāyana, Mādhavācārya, Todarmal and the Dīkṣitas of the South Indian Nāyak Kingdoms, can surely be not impossible for the Mauryan Minister?

The assumption that the state envisaged in the *Arthaśāstra* is only a *small* kingdom is based on two errors. It overlooks the circumstance that the theories in the work were intended to apply to small as to large kingdoms, as pointed out by Dr. Gaṇapati

Śāstri, and that, besides, the mutual duties of an emperor and subject kings are dealt with in the 15th and 16th chapters of the Seventh Book of the *Kauṭilīya.* Following Dr. Shāma Śāstri, Keith, Jolly and Winternitz have assumed that the administrative establishment and salaries described in *Arthaśāstra,* Book V, chapter 3 refer to *annual* payments, and they have implied that they are not more than what a Kingdom of moderate dimensions could afford to pay. Dr. Narendranath Law has shown cogent reasons for treating the figures as referring to *monthly* salaries. According to the commutation of money wages into kind, given by the *Kauṭilīya* (V. 3, p. 249, Mysore edn.) the minimum wage of 60 *paṇas* prescribed in the work would at the most fetch only 2 maunds of staple food-grain, or, on the assumption of the payment being *annual,* give him a return of less than a half-a-pound of food-grain per day. Unless the amounts stated taken as monthly salaries, it will be impossible to resist the absurd inference that the *Arthaśāstra* prescribed *starvation* rates of remuneration to the lowest and most numerous class of public servants.

Winternitz's depreciation of the theoretical nature of the chapters on policy in the Arthaśāstra has to be read with such an account as Mr. Ramachandra Dikshitar gives in his recent *Mauryan Polity* of the way in which the derided policy of the treatise was apparently followed in the letter and in the spirit by the great Aśoka.

The repetition of the old argument that the numerous citations of Kauṭilya's own views, in the

third person, in his treatise would by itself indicate its compilation by a follower, has to be met by reference to specific explanations indirectly vindicating Kauṭilya's practice, such as Medhātithi and Viśvarūpa give.

प्रायेण ग्रन्थकाराः स्वमतं परोपदेशेन ब्रुवते (मेधातिथिः); किंनु भगवतैव परीक्षीकृत्यात्मा निर्दिश्यते स्वप्रशंसानिषेधात (विश्वरूपः)
It is hardly fair to affirm, as Dr. Keith has done, that the illustrations of the practice given by these great commentators, are "recent instances of no value, for these can be explained naturally and simply as cases of deliberate imitation arising at a time when this form of expression was believed to come from the author himself."

Winternitz, Jolly, and Keith find difficulty in accepting an early date for the *Arthaśāstra* because of the advanced knowledge of the medical and metallurgical sciences displayed in it. They see in the *Arthaśāstra* (Bk. II. Ch. 12) allusions to the manufacture of artificial gold by an alchemic process, involving the use of mercury. Winternitz asserts that the earliest references to the medical use of mercury are in the extant treatises of Caraka and Suśruta and the Bower manuscript, and that its *therapic* use is not proved for earlier epochs. But, this argument overlooks the derivation of the extant treatise of Caraka, which professes to be only a redaction of the original *Carakasaṁhita* by Dṛdhabala, the original *Carakasaṁhita* itself being a redaction of the treatise of Agniveṣa, the disciple of Ātreya-Punarvasu, (6th century B.C.). Dr. Narendranath Law has pointed out that Metallurgy (*Lohaśāstra*)

was well established as a branch of knowledge in the second century B.C., in the days of the grammarian Patañjali, and that what is found in the *Arthaśāstra* is only the metallurgical and not the medical use of mercury. It has also been urged that even if it be shown that knowledge of both uses of mercury is indicated in the *Arthaśāstra,* it would still only show the need to revise our present notions of the late development of such knowledge in India. As against the view that no single author could possess such multifarious technical knowledge, Jacobi has rightly pointed out that Kauṭilya apparently used the knowledge possessed by his state departments.

The omission of any reference to the great Kauṭilya in Megasthenes is also relied on as a powerful argument against accepting the traditions about Kauṭilya. The 'argument of silence' can hardly be used in this way. For, admittedly we do not possess *all* that Megasthenes wrote, nor have we any proof that what has come down represents the very word of Megasthenes. The citations of Megasthenes have often been second, third and fourth hand, in classical literature, and the fragments have to be critically re-arranged so as to show which of them can be treated as nearest Megasthenes's original writing. This has been skilfully attempted recently by Dr. Barbara Timmer. Due allowance should also be made for the limitations within which Megasthenes observed and wrote. He had his bias, particularly as to what interested him and his prospective readers. The opportunities which a foreigner can have had for close and accurate observation of Mauryan conditions can not

have been extensive, even if the assumed diplomatic status of Megasthenes be granted. Undue weight has been attached to seeming discrepancies between the *Indika* and the *Arthaśāstra* in order to discredit the latter. Megasthenes's reputation for truthfulness in classical antiquity was not of the best. He wrote to tell his people what they did not know. So did Kauṭilya. In neither case will it be natural to expect the mention of or allusion to facts or persons, whom all readers would know. Kauṭilya was not called upon to refer to Pāṭalīputra or to the reigning King. Their omission in the *Arthaśāstra* is therefore explicable. In comparisons between Megasthenes and the *Kauṭilīya,* the points of agreement have been less stressed than those of difference. A comparison embodying both will show how remarkably the two confirm each other's testimony even in apparent cases of difference.

Thus, *Arthaśāstra* I, 21 and 27, refers to the female guards who figure so largely in Megasthenes's account. Some apparent contradictions disappear when examined closely. The denial by Megasthenes of the existence of slavery is an illustration. Slavery existed in India in his day and had existed from early times. *Arthaśāstra,* III—13, lays down that no Aryan could be a slave. This is probably what Megasthenes meant and has given a wrong emphasis to. Megasthenes, with a side-glance at the less attractive conditions of his own country, asserted that the Indian cultivator took no part in war, and carried on his avocation undisturbed by contending armies. This is no mere traveller's tale, but is only a mis-reading of the custom, to which the

Arthaśastra explicitly refers, restricting the profession of arms to the Kṣatriyas, and allowing the cultivators (*vaiśyāh*) to adopt it only in very exceptional circumstances. (*Arthaśāstra,* IX-2). Other instances, like the famous division of the people into *seven* castes, have to be set down to Megasthenes's craze for systematization or confused observation. Megasthenes's description of the administration of the capital and of the army by Boards, with a division of functions between them, is an idealised picture of the practice, to which the *Arthaśastra* frequently refers, of placing Government duties in commission, with appropriate division of functions. It is thus unsafe to argue that wherever the *Arthaśāstra* differs from the extant fragments of Megasthenes, the *Kauṭilīya* must be treated as record which is not contemporary with the conditions which it describes.

Dr. Stein's argument that *Śuruṅga* is derived from *Syrinx* ignores the existence of an Indian etymology for the former, (*Nāmaliṅgānu-Sāsana,* with Bhanūjī's commentary, p. 452), which Winternitz doubted the existence of. * It would also presume too much. Can it be said that the excavation of tunnels, as well as the Greek word for them were both learned by the Indians for the first time from the Hellenists of the 2nd century A.D.? Stein's other argument based on Kauṭilya's list of gem-producing areas being fuller than Varāhamihira's, and, *therefore* being a later list, is an illustration of the difficulties attending the extraction of inferences from unproved generalisations.

* Jolly refers to *Śuraṅga* as "*Supposed* to be derived from Greek *Syrinx*".

Among the places mentioned in the *Arthaśāstra*, Book, II, Chapter II, there is one called Ālakaṇḍaka. In Book III, Chapter 18, the *Arthaśāstra* extends the protection of the law against calumny, even to cases in which it would seem natural and justifiable to speak ill of certain people, and among the instances given are buffoons, and the people of *Prājjūna* and *Gāndhāra*. Dr. Prān Nāth (*Indian Antiquary*, 1931) identifies Ālakaṇḍaka with Alexandria in Egypt, and *Prājjūnaka* with the Eastern Huns (*Pāk-Hūṇaka*). The text is obviously corrupt in these passages, and the Munich variant for *Prājjūnaka* is *Prāṇaka*. On this slender basis, and by stringing together stray unconnected references which might imply a coastal region like that of Bombay, Dr. Prān Nāth has built up a curious theory that the author of the *Arthaśāstra* was an inhabitant of a coastal tract, embraced in the Mālava Kingdom, and that the treatise was composed during the period of *Hun* conquest of Malwa and Central India[1], viz. 485-510 A.D.?[1]

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1 *Contra* Dikshitar, V. R. R., *Annals of Bhandarkar Res. Inst.* Vol. XIII, pp. 326-330.

CONFLICT OF LAWS IN ANCIENT INDIA.

1. In regard to laws by which foreigners should be governed, Kauṭilya would apparently apply his general rule regarding the enforcement of usage and custom. The following passage in the *Arthaśāstra*, p. 98,

अनभियोगश्च अर्थेषु आगन्तूनां, अन्यत्र सभ्योपकारिभ्यः ।

has been somewhat arbitrarily translated, irrespective of the context, by Mr. Shāma Śāstri thus: 'Foreigners importing marchandise shall be exempted from being sued for debts unless they are (local) associations and partners.'

If this rendering be correct, Kauṭilya's rule would extend to foreigners a *wide* exemption from liability to be sued for their debts. Such a rule could hardly be reconciled with the spirit of Kauṭilya's teaching. I would interpret differently the passage in question, especially as it comes immediately after a recommendation for the grant of remissions or rebates of customs dues or trade taxes, in favour of sailors and foreign merchants: 'The rule (of remission) is inapplicable to the goods of occasional visitors (आगन्तूनां) unless they happen to be connected with local corporations.'

2. The principles on which conflicts of rules of law, or conflicts of authorities, were settled are indicated by Kauṭilya as well as by several *Dharmaśāstras*. The question of such 'reconciliation' was an important

topic of the Mīmāṁsa interpretation of Hindu Law. (See, for instance, Golap Candra Sarkar Śāstri's *Hindu Law of Adoption*, 1891, p. 85; West and Buehler's *Digest of Hindu Law*, 1884, vol. i, p. 11; and Mr. P. R. Gaṇapati Aiyar's treatise on *Hindu Law*, Chapters VII and VIII.)

The texts on the subject in Kauṭilya, Yājñavalkya, and Nārada depend for their correct interpretation on the proper understanding of the terms *Nyāya, Vyavahāra* and *Arthaśāstra.*

I would render the word *nyāya* by 'equity,' or by 'logic', or by 'reason'. The drift of the maxims of law in which the word occurs will not be largely modified by the acceptance of any of the three senses suggested.

It is not so, however, with the expression *vyavahāra.* In the following passage from the *Vyavahāra-mayūkha,* Bhaṭṭa Nīlakaṇṭha clearly understands by *vyavahāra* a judicial act, proceeding or procedure:—

विप्रतिपद्यमाननरान्तरगताज्ञाताधर्मज्ञापनानुकूलो व्यापारो व्यवहारः। वादिप्रतिवादिकर्तृकः संभवद्भोगसाक्षिप्रमाणको विरोधिकोटिव्यवस्थापनानुकूलो वा व्यापारः सः।

'*Vyavahāra* is the act which helps to make clear 'the inexplicit violation of canon (*dharma*) that has 'divided the contending parties in a dispute, or it is a 'proceeding of the plaintiff and the defendants 'involving testimony, possession and witness, and 'aiming at the settlement of the conflicting issues 'between the parties.'

Notwithstanding this definite interpretation of *Vyavahāra,* V. N. Mandlik, who had edited both the *Vyavahāramayūkha* and the several commentaries on Manu, translated the expression by 'the practice of the old', when rendering Yājñavalkya, II.21. :—

स्मृत्योः विरोधे न्यायस्तु बलवान् व्यवहारतः ।
अर्थशास्त्रात्तु बलवद् धर्मशास्त्रमिति स्थितिः ॥

Dr. Buehler has also erred when he rendered the expression in the following passages of Manu (VIII. 163, 164 and 167) by the words 'contract' and 'agreement' (*Laws of Manu,* 1886, pp.283 and 284) :—

मत्तोन्मत्तार्त्ताध्यधीनैः बालेन स्थविरेण वा ।
असंबद्धकृतश्चैव व्यवहारो न सिध्यति ॥ १६३॥
सत्या न भाषा भवति यद्यपि स्यात् प्रतिष्ठिता ।
बहिश्चेद्भाष्यते धर्मान्नियताद्व्यावहारिकात् ॥ १६४ ॥
कुटुम्बार्थे ऽध्यधीनोऽपि व्यवहारं यमाचरेत् ।
स्वदेशे वा विदेशे वा तं ज्यायान्न विचालयेत् ॥ १६७ ॥

The very commentaries which Buehler used in preparing his translation of Manu go against this narrowing of the sense of *vyavahāra.* Thus, Medhātithi (*circa* ninth century A.D.), states that *vyavahāra* is a synonym for an act, (कार्यपर्यायो व्यवहारशब्दः), while Sarvajñanārāyaṇa (*circa,* fourteenth century A.D.) and Rāghavānanda (*circa* sixteenth century A.D.) take it similarly as implying generally a transaction.

व्यवहार ऋणदानादिविषयकः

(See Mandlik's *Manu, with Seven Commentaries,* 1886, pp. 9, 78, 79). It is significant that Dr. E. W. Hopkins, (*Ordinances of Manu,* by A. C. Burnell and E. W.

Hopkins, 1891, pp. 204 and 205) has rendered the term, in the same passages correctly, by using the expression 'business transaction'.

There is, of course, a mere specialized sense in which *vyavahāra* has been used by Sanskrit writers as the equivalent of judicial proceeding or procedure. This is indicated in a *śloka* of Kātyāyana, which gives an ingenious, if unconvincing, etymology of the word:—

वि नानार्थेऽवसंदेहे हरणं हार उच्यते ।

नानासंदेहहरणात् व्यवहार इति स्मृतः ॥

An instance of the result of Buehler's incorrect translation of *vyavahāra* may be given. Mr. Narendranath Law in his valuable study of Kauṭilya's *Arthaśāstra* (*Studies in Ancient Hindu Polity,* vol. i, 1914, pp. 122-3), attributes to Kauṭilya such statements as the following:—'A *contract* should not transcend *sacred law.*'

The misunderstanding of the term *Arthaśāstra* is to some extent explicable, since the conceptions regarding the nature, content and trend of *Arthaśāstra* were somewhat hazy before the 'discovery' of its literature. Thus Dr. Jolly translated *Arthaśāstra,* in the quotation of Nārada given below, by 'rules of jurisprudence'. (*Minor Law Books,* S.B.E., xxxiii, 1889, p. 15). V. N. Mandlik translated the same word by 'moral laws' (see his translation of the *Vyavahāramayūkha,* p. 5, ll. 15-16)! He made a more serious mistake when he translated (*ibid.,* p. 203, ll. 11-12) the maxim of Yājñavalkya on the superiority of *Dharma Śāstra* to *Arthaśāstra,* अर्थशास्त्रा तु बलवद्धर्मशास्त्रमिति स्थितिः, by—'but the

rule is that law is stronger than equity'—taking *Arthaśāstra* to signify 'equity'! The contradiction between the first half of Yājñavalkya's śloka (II, 21) and this interpretation of its second half appears to have escaped his notice.

I give below the relevant passages on the subject in Kauṭilya, Yājñavalkya and Nārada, with my renderings. The first, second and fourth ślokas in the passage from Kauṭilya are found with an important modification in Dr. Jolly's edition of Nāradasmṛti. The difference consists in this that among the fourfold bases of law-suits, contrary to Kauṭilya's precept, 'each following' says Nārada 'is superior to the one previously named'. The three ślokas are numbered 10, 11 and 39 in Dr. Jolly's translation of Nārada (1889).

The relevant passages in Kauṭilya on the subject are:—

धर्मश्च व्यवहारश्च चरित्रं राजशासनम् ।
विवादार्थश्चतुष्पादः पश्चिमः पूर्वबाधकः ॥
अत्र सत्ये स्थितो धर्मो व्यवहारस्तु साक्षिषु ।
चरित्रं संग्रहे पुंसां राज्ञामाज्ञा तु शासनम् ॥
अनुशासत् हि धर्मेण व्यवहारेण संस्थया ।
न्यायेन च चतुर्थेन चतुरन्तां महीं जयेत् ॥
संस्थया धर्मशास्त्रेण शास्त्रं वा व्यावहारिकम् ।
यस्मिन्नर्थे विरुध्येत धर्मेणार्थं विनिश्चयेत् ।
शास्त्रं विप्रतिपद्येत धर्मन्यायेन केनचित् ।
न्यायस्तत्र प्रमाणं स्यात् तत्र पाठो हि नश्यति ॥

These verses I would render as follows:—

'Canon, judicial procedure, usage and royal edicts form the fourfold basis (literally, the four feet) of the subject of litigation. In these what precedes overrides (in the case of conflict) what follows. Among them, truth is the foundation of canon, testimony of procedure, general acceptance of usage, and regal sanction of edicts..... If he (the king) governs (in accordance with) the canon, procedure, usage, and equity, he will, with these four, conquer the earth to its four limits. Wherever usage and canon, or the science of affairs (*vyavahārikam śāstram*) and canon, conflict with each other, let the meaning be determined by reference to the canon, but wherever the science (of affairs or procedure) is divided by conflict of equity and canonical precept, then the standard of authority is set by equity, and any rule opposed to it loses its validity'.

The principles on which conflicts of law have to be settled are set forth by Yājñavalkya in the passage (II, 21) already quoted, which may be translated thus:—

'In the conflict of two canonical law books (*Smṛti*) the equity of affairs(*vyavahāra*) prevails. Further it is the rule that the science of canonical law (*Dharma Sūtra*) is stronger than *Arthaśāstra*.'

Nāradasmṛti (*circa* fifth century A.D.) has a similar maxim (1.99):—

यत्र विप्रतिपत्तिस्स्यात् धर्मशास्त्रार्थशास्त्रयोः ।
अर्थशास्त्रोक्तमुत्सृज्य धर्मशास्त्रोक्तमाचरेत् ॥

APPENDIX VIII.

EPIGRAPHIC TESTIMONY TO THE INFLUENCE OF 'DHARMA-ŚĀSTRA', ETC.

For instance, see *Epigraphia Indica*, vol. iii, pp. 80–81, vol. iii, p. 322 (inscription dated A.D. 526-7), vol. iv, p. 288 (A.D. 958), vol. iv, p. 346 (A.D. 812), vol. vi, p. 349 (A.D. 813), vol. vi, p. 20, vol. vi, p. 178 (A.D. 178), vol. vi, p. 217 (A.D. 1057), vol. vi, p. 218, (the headman of a village is compared to the lawgiver Manu !), vol. ix, p. 95, (A.D. 1061-2), vol. IX, p. 326 (*circa* A.D. 1125).

See also, *Indian Antiquary,* vol. ix, p. 48, vol. viii, p. 97, and p. 303 (A.D. 571), vol. xvii, p. 198 (Dadda V, a ruler of the seventh century, said to have mastered the precepts of Manu).

See further, *Gupta Inscriptions* (*ed.* Fleet., Corpus Inscriptionum Indicarum, vol. iii, 1889), p. 147 (A.D. 532-3), p. 168 (A.D. 571-2), and p. 182 (A.D. 766-7).

Refer also to *Epigraphia Carnatica,* vol. v, p. 23 (A.D. 1160) and p. 151 (A.D. 1100, a Chalukya king 'walks in the path of Manu'), vol. ix, p. 39 (A.D. 797), and vol. ix, p. 73 (A.D. 517), vol. x, p. 78 (A.D. 890), vol. iv, p. 62 (A.D. 890), vol. iv, p. 60 (A.D. 797), vol. ix, p. 85 (A.D. 1050), Chapter vii, p. 50 (A.D. 1076), vol. vii, p. 59, (A.D. 1168), vol. vii, p. 89 (A.D. 1181), vol. vii, p. 146 (A.D. 1368), vol. xi, p. 13 (A.D. 947), vol. xi, p. 41 (A.D. 1171), vol. xi, p. 45 (A.D. 1268), vol. iv, p. 62 (A.D. 890), vol. xii, p. 115 (A.D. 482?)

The following references to Manu in the Ceylonese *Mahāvamśa* are also of significanee: Chapter 80, verse 9, Chapter 84, verses 1–2, Chapter 90, verse 56, Chapter 96, verse 27.

APPENDIX IX.

THE RĀJATARAṄGINI AND INDIAN POLITY.

Kalhaṇa's Rājataraṅgini has been edited by Sir Aurel Stein (1892), who also published (2 vols., 1900) a magnificent annotated translation of the famous chronicle. Between 1892 and 1896, the text was also published, with the continuations of Jonarāja, by Mahāmahōpādhyāya Durgāprasāda.

The peculiar value of the Rājataraṅgini to the student of historical Polity consists in Kalhana's statesmanly frame of mind and point of view. There is no other original record available for ancient Indian history that can be compared with the Rājataraṅgini for continuity of account, and insight. An additional circumstance making for the importance of the work is the scarcity of epigraphic records, to which Stein refers in his note on Rājataraṅgini (I, 15). Dr. Vogel's 'Chamba Inscriptions' has confirmed in many ways the statements in the Chronicle. Kalhaṇa gives proper dates only from A.D. 813.

The evidence of Kalhaṇa is best understood in regard to administrative details by reference to Chapter XVII, 'The Old Administration', of Sir Walter Lawrence's 'Valley of Kashmir' (1895).

Dr. Jolly has utilized the data in Rājataraṅgini for a paper on Historical Law as in the Rājataraṅgini (1895).

The passages of significance in the work in a study of Polity are:—Canto I, verses 118-120, 324, 367; II, 143, and 159; III, 385; IV. 53, 81, 82, 91, 92-105 (description of the trial of a sorcerer, accused of murder), 137-143 (five great offices of the Court 310, 320-3, 345-59 (Lalitāditya's 'Testament'), 481, 495, 512, 680, 588-9, 620-39 (Jayāpida's oppression), 676-8, 691, and 719; Canto V. 22, 28, 32, 42, 64, 81, 109-12, 128-30, 160, 165-81 (Śankaravarman's fiscal oppressions), 192, 232, 238, 250-52 (selection of a ruler during an interregnum), 350 (regicide), 387, 397, 425, 448, 461-77 (Brahman assembly to elect a king); Canto VI. 14, 28 and 60 (Royal Court of Appeal), 38, 70, 73, 88, (regalia), 108-12 (State control of the castes), 126-129, 199; Canto VII. 210-11, 232-5, 65, 400, 506-14, 602, 659, 879, 896, 951, 1008. Prāyopaveśa) 1225-6; Canto VIII. 51-65 (Uccala's good government), 82 (a queen allowed to share the throne), 136, 149, 181, 276, 278-312, 336, 371, (Consecration of an infant king), 428, 658, (Brahman self-immolation as a protest against misgovernment), 706-710 (habitual revolutionaries), 1542 and 2068 (Inner and Outer Cabinets), 2422, 3336 (abolition of fine for adultery), and 3338.

APPENDIX X.

CHAMBA INSCRIPTIONS.

Chamba is a Native State situated in the Western Himālaya, and it has now a superficial area of 3,216 square miles. The density of population in the State is only about forty-one per square mile. 'Chamba, engirdled by her snow-clad mountain barriers, has, century after century, retained ancient traditions and institutions, which are only now gradually giving way to the irresistible onslaught of western civilization.

.....Chamba is still ruled by a descendant of the noble house whose scions fought in the civil wars of Kashmir side by side with Harṣa and Sussala.' Dr. Vogel surveyed the area between 1902 and 1908, and published in 1911, the results of his investigations and study as a volume of the Archaeological Survey of India, under the title 'Inscriptions of Chamba State,—Part I—Inscriptions of the Pre-Muhammadan Period.' About fifty inscriptions are collected and edited in this volume. Three of these (Nos. 15, 25 and 26) epigraphs contain the titles of various official functionaries. Dr. Vogel has compared them with similar inscriptions of the Gupta and other epochs, and has summarized the

information available from such records, in regard to some part of the old Indian administrative machinery, in a most valuable account. (*Ibid.*, pp. 120-136.)

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